



"The City with a Heart"

Rico Medina, Mayor
Linda Mason, Vice Mayor
Tom Hamilton, Councilmember
Marty Medina, Councilmember
Michael Salazar, Councilmember

AGENDA
SAN BRUNO CITY COUNCIL REGULAR MEETING
October 11, 2022
7:00 PM

IN PERSON MEETING LOCATION

San Bruno Senior Center
1555 Crystal Springs Road
San Bruno, CA 94066

TELECONFERENCE VIA ZOOM

<https://sanbruno-ca-gov.zoom.us/j/82023836228?pwd=akVoakZrVG1ZQWtHM3l3MUtyaHlEQT09>

Webinar or Meeting ID: 820 2383 6228

Webinar or Meeting Password: 582836

Zoom Phone Line: 1-646-558-8656 (same webinar ID and password as above)

Consistent with Government Code Section 54953(e), this meeting will be held both in-person and virtually. City Councilmembers and members of the public may attend in person at the San Bruno Senior Center, at the teleconference location, or by Zoom or phone.

AB-361
CORONAVIRUS COVID-19

On September 16, 2021, the Governor of California signed AB-361 suspending certain provisions of the Ralph M. Brown Act in order to allow for local legislative bodies to conduct their meetings telephonically or by other electronic means. In addition to in person attendance, members of the public may attend the meeting by video or by phone with the Zoom information linked in this agenda or watch by livestream at [youtube.com/user/cityofsanbruno](https://www.youtube.com/user/cityofsanbruno). CityNet Services Channel 1 will air the meeting live. The recorded meeting will be made available for viewing on the City's YouTube channel after the meeting has concluded.

If you would like to make a Public Comment on an item not on the agenda, or comment on a particular agenda item, please email cityclerk@sanbruno.ca.gov. Emails received before the special or regular meeting start time will be forwarded to the City Council, posted on the City's website and will become part of the public record for that meeting. If emailed comments are received after the meeting start time, or after the meeting ends, they will be forwarded to the City Council and filed with the agenda packet and will become part of the public record for that meeting. Emails received will not be read aloud during the meeting.

Individuals who require special assistance of a disability-related modification or accommodation to participate in this meeting, or who have a disability and wish to request an alternative format for the agenda, agenda packet or other writings that may be distributed at the meeting, should contact the City Clerk 48 hours prior to the meeting at (650) 616-7070 or by email at cityclerk@sanbruno.ca.gov. Notification in advance of the meeting will enable the City of San Bruno to make reasonable arrangements to ensure accessibility to this meeting, the materials related to it, and your ability to comment.

City Council meetings are conducted in accordance with Roberts Rules of Order. All regular Council meetings are recorded and televised on CityNet Services Channel 1 and replayed the following Thursday, at 2:00 pm.

- 1. CALL TO ORDER**
- 2. ROLL CALL**

3. **PLEDGE OF ALLEGIANCE**

4. **PUBLIC COMMENTS FOR ITEMS NOT ON THE AGENDA**

Individuals allowed three minutes. It is the Council's policy to refer matters raised in this forum to staff for investigation and/or action where appropriate. The Brown Act prohibits the Council from discussing or acting upon any matter not agendaized pursuant to State Law.

5. **ANNOUNCEMENTS/PRESENTATIONS**

Note: Public comment will be requested after each topic in this section

- a. Receive General Update From San Bruno Park School District Superintendent Mathew Duffy
- b. Issue Proclamation Declaring October 23, 2022 Through October 31, 2022 as Red Ribbon Week
- c. Issue Proclamation Declaring October 2022 as Breast Cancer Awareness Month

6. **CONSENT CALENDAR**

All items are considered routine or implement an earlier Council action and may be enacted by one motion; there will be no separate discussion, unless requested.

Note: There will be a single public comment period for all items in this section unless a Councilmember requests to pull an item for a separate vote.

- a. Approve Accounts Payable for September 19, 2022, September 26, 2022, and October 3, 2022
- b. Accept Payroll for September 25, 2022
- c. Approve Investment Report for August 31, 2022 and Reconciliation of General Ledger to Bank Report Dated May 31, 2022 and June 30, 2022
- d. Receive Written Update on the City's Response Efforts to COVID-19
- e. Waive Second Reading and Adopt the Following Ordinances of the City of San Bruno:
 - An Ordinance of the City of San Bruno Amending Article III (Zoning) of Title 12 (Land Use) of the Municipal Code by Adding Chapter 12.300 to Authorize Commercial Cannabis Retailers (Storefront Sales) in the Transit Corridors Plan Area CBD, MX-R, TOD-1, TOD-2, and PD Zones and in the PD Zones for the Shops at Tanforan, and Cannabis Distribution Facilities in the M-1 Zone, and Making a Finding of Exemption Under CEQA
 - An Ordinance of the City of San Bruno Amending Title 3 (Revenue and

Finance) of the Municipal Code to Lower the Tax Imposed on Cannabis Businesses, Amending Title 4 (Licenses and Regulations) to Add a New Chapter Pertaining to Commercial Cannabis Operators Permits, and Amending Title 6 (Public Peace, Morals and Welfare) to Eliminate the Prohibition on Commercial Cannabis Activity in the City, and Making a Finding of Exemption Under CEQA

- f. Adopt Resolution Authorizing the City Manager to Execute a Four-Year Contract With West Coast Arborist, Inc. for the Annual Pruning and Pollarding of Street Trees and Tree Removal Related to Fire and Hazard Mitigation in an Amount Not to Exceed \$1,093,865
- g. Waive Second Reading and Adopt an Ordinance of the City Council of the City of San Bruno Rescinding Ordinance No. 1901 and Amending San Bruno Municipal Code Section 10.08.020 to Authorize Rates to Be Set by Resolution or Ordinance
- h. Adopt Resolution Approving Agreement Between the City of San Bruno and the San Bruno Management Employees Association (SBMEA) and Authorizing Execution by the City Manager
- i. Adopt Resolution Approving Amendment #2 to the Employment Agreement Between the City of San Bruno and Jovan D. Grogan, City Manager

7. PUBLIC HEARING(S)

Note: Public comment will be requested after each topic in this section

- a. Hold Public Hearing to Adopt a Resolution Adding Fees Related to the Commercial Cannabis Operator's Permit to the Master Fee Schedule, and Adopt a Resolution Approving Application Procedures and Guidelines for Commercial Cannabis Operator's Permits and Authorizing the City to Obtain State Summary Criminal History Information of Potential Cannabis Operator Permittees
- b. Hold Public Hearing, Read by Title Only and Adopt the Following Ordinances of the City of San Bruno:
 - An Ordinance of the City of San Bruno Amending Chapter 11.02 (Administrative and Referenced Standards Code) of Title 11 (Buildings, Construction and Fire Protection) of the San Bruno Municipal Code and Adopting by Reference the 2022 California Referenced Standards Code and the 2022 Administrative Code
 - An Ordinance of the City of San Bruno Amending Chapter 11.04 (Building Code) of Title 11 (Buildings, Construction and Fire Protection) of the San Bruno Municipal Code and Adopting by Reference the 2022 California Building Code

Volumes 1 & 2, the 2022 Historical Building Code, and the 1997 Uniform Housing Code

- An Ordinance of the City of San Bruno Adopting Chapter 11.06 (Energy Code) of Title 11 (Buildings, Construction and Fire Protection) of the San Bruno Municipal Code and Adopting by Reference the 2022 California Energy Code
 - An Ordinance of the City of San Bruno Adding Chapter 11.07 (Green Building Code) of Title 11 (Buildings, Construction and Fire Protection) of the San Bruno Municipal Code and Adopting by Reference the 2022 California Green Building Code
 - An Ordinance of the City of San Bruno Amending Chapter 11.08 (Mechanical Code) of Title 11 (Buildings, Construction and Fire Protection) of the San Bruno Municipal Code and Adopting by Reference the 2022 California Mechanical Code
 - An Ordinance of the City of San Bruno Adding Chapter 11.10 (Residential Code) of Title 11 (Buildings, Construction and Fire Protection) of the San Bruno Municipal Code and Adopting by Reference the 2022 California Residential Code
 - An Ordinance of the City of San Bruno Amending Chapter 11.16 (Electrical Code) of Title 11 (Buildings, Construction and Fire Protection) of the San Bruno Municipal Code and Adopting by Reference the 2022 California Electrical Code
 - An Ordinance of the City of San Bruno Amending Chapter 11.20 (Plumbing Code) of Title 11 (Buildings, Construction and Fire Protection) of the San Bruno Municipal Code and Adopting by Reference the 2022 California Plumbing Code
 - An Ordinance of the City of San Bruno Adding Chapter 11.22 (Existing Code) of Title 11 (Buildings, Construction and Fire Protection) of the San Bruno Municipal Code and Adopting by Reference the 2022 California Existing Code
 - An Ordinance of the City of San Bruno Amending Chapter 11.24 (Fire Code) of Title 11 (Buildings, Construction and Fire Protection) of the San Bruno Municipal Code and Adopting by Reference the 2022 California Fire Code
- c. Hold Public Hearing, Read by Title Only and Adopt an Ordinance of the City of San Bruno Amending Chapter 11.06 (Energy Code) of Title 11 (Buildings, Construction and Fire Protection) of the San Bruno Municipal Code and Adopting by Reference the 2022 California Energy Code and Amending Chapter 11.07 (Green Building Code) of Title 11 (Buildings, Construction and Fire Protection) of the San Bruno Municipal Code and Adopting by Reference the 2022 California Green Building Code

8. CONDUCT OF BUSINESS

Note: Public comment will be requested after each topic in this section

- a. Development Town Hall Update

9. **COMMENTS FROM COUNCIL MEMBERS**

Note: Public comment will be requested after each topic in this section

- a. Linda Mason:

- a. Request to invest Artichoke Joe's funds into downtown for implementation of the streetscape plan.
- b. Request staff to provide the Council with the number of crossing guards hired by the City of San Bruno and their assigned locations.
- c. Request for an update on the traffic concerns raised at Parkside Middle School and how the City has assisted in mitigating potential dangers over the past year.
- d. Request update on staff efforts to hold Recology accountable for their contractual obligation to host a fundraiser for local schools in 2022 and direct staff as needed to ensure contract compliance for the specific provision that has not been met.

10. **CLOSED SESSION**

- a. Conference With Legal Counsel - Anticipated Litigation
Significant Exposure to Litigation Pursuant to Government Code Section 54956.9(d)(2) - One Case

11. **ADJOURNMENT** – The next Regular City Council Meeting will be held on October 25, 2022 at 7:00 p.m.



Proclamation

Declaring October 23 – 31, 2022 as Red Ribbon Week in San Bruno

WHEREAS, alcohol and drug abuse affect individuals, families, and communities across the nation; and

WHEREAS, it is imperative that visible, unified efforts by community members be launched to prevent drug abuse; and

WHEREAS, Red Ribbon Week offers citizens the opportunity to demonstrate their commitment to drug-free lifestyles; and

WHEREAS, Red Ribbon Week will be celebrated in communities across the nation on October 23, 2022, through October 31, 2022; and

WHEREAS, all those who reside, work, and frequent the City of San Bruno are encouraged to demonstrate their commitment to healthy, drug-free lifestyles by wearing red wristbands commemorating Red Ribbon Week; and

WHEREAS, the San Bruno Community further commits to contributing to the success of Red Ribbon Week;

NOW, THEREFORE, I, Rico E. Medina, as Mayor of the City of San Bruno, do hereby proclaim the October 23, 2022, through October 31, 2022, as RED RIBBON WEEK, and encourages all to participate in drug prevention education activities, not only during Red Ribbon Week, but also throughout the year, making a visible statement that we are strongly committed to a drug-free lifestyle.

A handwritten signature in blue ink that reads "Rico E. Medina".

Dated this 11th day of October 2022

Rico E. Medina, Mayor



Proclamation

Declaring October 2022 as Breast Cancer Awareness Month in the City of San Bruno

WHEREAS, October, 2022 is **National Breast Cancer Awareness Month**; and

WHEREAS, breast cancer is the second most common kind of cancer in women. About 1 in 8 women born today in the United States will get breast cancer at some point.

WHEREAS, about 2,700 new cases of male breast cancer will be diagnosed in 2022 and survival for men is similar to survival for women; and

WHEREAS, screenings, early detection and prompt treatment can significantly reduce suffering and deaths caused by this disease; and

WHEREAS, mammography, an "x-ray" of the breast, is recognized as the single most effective method of detecting breast changes that may be cancer long before physical symptoms can be seen or felt.

NOW, THEREFORE, I, Rico E. Medina, as Mayor of the City of San Bruno, do hereby proclaim the month of October 2022 as,

NATIONAL BREAST CANCER AWARENESS MONTH

A handwritten signature in blue ink that reads "Rico E. Medina".

Dated this 11th day of October 2022

Rico E. Medina, Mayor



City Council Agenda Item
Staff Report

CITY OF SAN BRUNO

DATE: September 19, 2022

TO: Honorable Mayor and Members of the City Council

FROM: Jovan D. Grogan, City Manager

PREPARED BY: Bobby Magee, Interim Finance Director
Kathleen O'Malley, Accounting & Customer Service Representative

SUBJECT: Accounts Payable Warrant Register

This is to certify that the claims listed on pages 1 to 2 inclusive, and/or claims numbered from 199587 through 199671 inclusive, totaling \$2,153,443.95 have been checked in detail and approved by the proper officials, and in my opinion, represent fair and just charges against the City in accordance with their respective amounts. The table below summarizes the total paid by Fund.

Fund	Fund Name	Amount
001	General Fund	\$174,931.36
132	Agency On Aging	\$1,431.72
133	Restricted Revenues	\$1,608.00
137	Developer Project Contributions	\$1,235.00
201	Parks and Facilities Capital	\$55,497.23
203	Street Improvement Projects	\$591,648.66
611	Water Fund	79,296.40
621	Stormwater Fund	10,499.99
631	Wastewater Fund	1,042,634.54
641	CityNet Services Fund	12,060.00
702	Facility Maintenance Fund	109,738.04
707	Technology Development	18,964.79
711	Self-Insurance	53,898.22
TOTAL FOR APPROVAL		\$2,153,443.95

Respectfully submitted,


Finance Director

10/14/22
Date

POSITIVE PAY LISTING
CITY OF SAN BRUNO

Vendor Code & Name	Check #	Check Date	Amount
106799 ACCELA INC.	199587	9/19/2022	14,880.15
106435 ACTION TOWING & ROAD SVC. INC.	199588	9/19/2022	159.50
110078 ALTA PLANNING + DESIGN, INC.	199589	9/19/2022	41,808.01
109246 AQUA METRIC SALES, CO.	199590	9/19/2022	16,742.76
16123 AT&T	199591	9/19/2022	355.81
105649 ATLAS PLUMBING AND ROOTER, INC.	199592	9/19/2022	5,000.00
345 BAKER & TAYLOR BOOKS	199593	9/19/2022	1,308.61
109661 BIRITE FOODSERVICE DISTRIBUTORS	199610	9/19/2022	875.46
110371 BOBBY MAGEE	199623	9/19/2022	863.40
93170 BOOKPAGE	199594	9/19/2022	648.00
98 BRODART CO.	199595	9/19/2022	124.06
16324 CINTAS CORPORATION #464	199596	9/19/2022	45.22
386 CITY OF SOUTH SAN FRANCISCO	199597	9/19/2022	1,018,933.21
109807 CIVICPLUS, LLC	199598	9/19/2022	1,328.77
110074 COGENT COMMUNICATIONS, INC.	199599	9/19/2022	12,060.00
110432 CORPORATION OF THE FINE ARTS MUSEUM	199635	9/19/2022	450.00
106125 COURTESY TOW	199602	9/19/2022	255.00
109998 CPM ASSOCIATES, INC.	199603	9/19/2022	1,399.12
105811 CSAC EXCESS INSURANCE AUTHORITY	199608	9/19/2022	11,898.01
18331 CSG CONSULTANTS INC.	199604	9/19/2022	19,680.00
197 DEMCO SUPPLY INC.	199605	9/19/2022	99.58
18673 DENNIS BOSCH	199606	9/19/2022	280.86
101178 DISCOUNT PLUMBING	199607	9/19/2022	12,000.00
18117 FLYERS ENERGY, LLC	199609	9/19/2022	19,473.49
109776 FRESH LINE PRODUCE	199611	9/19/2022	316.66
18272 GALE/CENGAGE LEARNING	199612	9/19/2022	31.63
108415 GOLDEN BAY CONSTRUCTION, INC.	199613	9/19/2022	489,606.50
16967 GROUP 4	199614	9/19/2022	55,497.23
110429 HAAS ALERT	199615	9/19/2022	1,028.00
109130 HAPPYFOX INC.	199616	9/19/2022	1,479.00
109502 HAULAWAY STORAGE CONTAINERS, INC.	199655	9/19/2022	255.36
18838 INFOSEND, INC.	199617	9/19/2022	5,405.74
110320 JOHN STAURULAKIS, LLC	199618	9/19/2022	20,992.50
107970 JOSE ROMERO	199651	9/19/2022	127.00
771 JT2 INTEGRATED RESOURCES	199619	9/19/2022	41,795.84
18376 JT2 INTEGRATED RESOURCES	199620	9/19/2022	6,531.00
93434 JT2 INTEGRATED RESOURCES	199621	9/19/2022	5,571.38
132 KELLY-MOORE PAINT CO INC.	199622	9/19/2022	1,758.38
110436 KENNETH MATISEK	199626	9/19/2022	125.00
103231 MAINTSTAR INC.	199624	9/19/2022	53,140.93
107892 MANAGEMENT PARTNERS	199625	9/19/2022	1,235.00
109532 MATRIX HG, INC.	199627	9/19/2022	107,078.00
16041 METROMOBILE COMMUNICATIONS	199628	9/19/2022	71.42

POSITIVE PAY LISTING
CITY OF SAN BRUNO

POSITIVE PAY LISTING
CITY OF SAN BRUNO

<u>Vendor Code & Name</u>	<u>Check #</u>	<u>Check Date</u>	<u>Amount</u>
92285 MICROMARKETING LLC	199629	9/19/2022	86.70
16863 MIDWEST TAPE, LLC	199630	9/19/2022	251.73
1709 MILLBRAE LOCK	199631	9/19/2022	325.71
104730 MUNICIPAL EMERGENCY SERVICES	199632	9/19/2022	647.69
102421 NOLA RAMOS	199645	9/19/2022	2,100.00
522 NORTH COAST COUNTY WATER DISTRICT(NCCWD)	199601	9/19/2022	21,553.17
18157 OCLC INC	199633	9/19/2022	432.32
110243 ODP BUSINESS SOLUTIONS, LLC	199634	9/19/2022	44.79
97567 ONE HOUR DRY CLEANING	199636	9/19/2022	299.75
18701 ORKIN PEST CONTROL	199637	9/19/2022	575.95
108949 PACIFIC DINING	199638	9/19/2022	569.78
106829 PACIFIC OFFICE AUTOMATION INC.	199639	9/19/2022	283.48
1154 PENINSULA LIBRARY SYSTEM	199640	9/19/2022	2,507.40
294 PITNEY BOWES	199641	9/19/2022	330.08
102915 PRECISE PRINTING & MAILING	199642	9/19/2022	735.96
97558 PURCHASE POWER	199643	9/19/2022	208.72
108301 R3 CONSULTING GROUP	199644	9/19/2022	15,711.25
110321 REED ANIMAL HOSPITAL	199646	9/19/2022	594.00
103531 RICOH USA, INC.	199647	9/19/2022	1,083.76
103531 RICOH USA, INC.	199648	9/19/2022	325.96
106293 ROBERT HALF	199649	9/19/2022	34,896.00
14027 SAN FRANCISCO CHRONICLE	199653	9/19/2022	845.00
98474 SAN MATEO COMMUNITY COLLEGE DISTRICT	199600	9/19/2022	50.00
108537 SCOTT TONG	199663	9/19/2022	27.00
18778 SHANNON ROHATCH	199650	9/19/2022	320.00
97626 SHARP ELECTRONICS CORP.	199654	9/19/2022	79.14
91419 SOUTH BAY REGIONAL PUBLIC SAFETY TRAINING CONSORTIUM	199652	9/19/2022	3,631.00
105796 SUNRISE FOOD DISTRIBUTOR INC.	199656	9/19/2022	239.60
102962 SWANK MOTION PICTURES, INC.	199657	9/19/2022	960.00
96932 TASC	199658	9/19/2022	130.50
18073 TEAMSTERS LOCAL 350	199659	9/19/2022	2,277.00
15691 TEAMSTERS LOCAL 856	199660	9/19/2022	12,357.00
18898 TJKM TRANSPORTATION CONSULTANT	199661	9/19/2022	52,000.39
831 TONER CARTRIDGE&INKJET EXPRESS	199662	9/19/2022	1,197.73
106660 TRIDENT K9 CONSULTING INC.	199664	9/19/2022	450.00
17133 TURBO DATA SYSTEMS INC	199665	9/19/2022	2,245.89
18944 ULINE, INC.	199666	9/19/2022	8,018.11
18618 UNITED SITE SERVICES INC.	199667	9/19/2022	977.79
105133 UTILITY TELECOM, INC.	199668	9/19/2022	217.59
95749 VERIZON WIRELESS	199669	9/19/2022	3,245.42
109186 VITAL RECORDS CONTROL	199670	9/19/2022	95.00
96767 WEST COAST ARBORISTS, INC.	199671	9/19/2022	7,800.00
GrandTotal:			2,153,443.95
Total count:			85



City Council Agenda Item
Staff Report

CITY OF SAN BRUNO

DATE: September 26, 2022

TO: Honorable Mayor and Members of the City Council

FROM: Jovan D. Grogan, City Manager

PREPARED BY: Bobby Magee, Interim Finance Director
Kathleen O'Malley, Accounting & Customer Service Representative

SUBJECT: Accounts Payable Warrant Register

This is to certify that the claims listed on pages 1 to 3 inclusive, and/or claims numbered from 199672 through 199791 inclusive, totaling \$570,717.32 have been checked in detail and approved by the proper officials, and in my opinion, represent fair and just charges against the City in accordance with their respective amounts. The table below summarizes the total paid by Fund.

Fund	Fund Name	Amount
001	General Fund	\$167,144.12
132	Agency On Aging	\$2,988.86
133	Restricted Revenues	\$495.00
137	Developer Project Contributions	\$25,377.87
201	Parks and Facilities Capital	\$117,667.18
203	Street Improvement Projects	\$368.21
611	Water Fund	115,785.35
621	Stormwater Fund	7,126.65
631	Wastewater Fund	16,190.24
641	CityNet Services Fund	85,307.17
701	Central Garage	22,550.63
702	Facility Maintenance Fund	5,842.52
707	Technology Development	500.00
711	Self-Insurance	3,373.52
TOTAL FOR APPROVAL		\$570,717.32

Respectfully submitted,


Finance Director

10/4/22
Date

POSITIVE PAY LISTING
CITY OF SAN BRUNO

Vendor Code & Name	Check#	Check Date	Amount
0096852 ABAG PLAN CORPORATION	199672	9/26/2022	3,373.52
0000858 ADECCO EMPLOYMENT SERVICES	199673	9/26/2022	3,428.80
0110382 ADIUT GROUP	199674	9/26/2022	1.19
0001170 AIRGAS USA, LLC	199675	9/26/2022	50.65
0000163 AIRPORT AUTO PARTS INC.	199676	9/26/2022	1,117.85
0000372 ALLIED SECURITY ALARMS	199677	9/26/2022	939.00
0018976 ALPHA ANALYTICAL LAB. INC.	199678	9/26/2022	8,685.00
0104542 ALTA LANGUAGE SERVICES, INC.	199679	9/26/2022	132.00
0096700 ANDY'S WHEELS & TIRES	199680	9/26/2022	3,870.25
0104925 ASIA TV USA, LTD.	199681	9/26/2022	1,501.74
0016123 AT&T	199682	9/26/2022	26.27
0110283 KINGSBOROUGH ATLAS TREE SURGERY, INC.	199683	9/26/2022	2,680.15
0105553 BELLECCI & ASSOCIATES, INC.	199684	9/26/2022	9,768.00
0018688 BEST BEST & KRIEGER LLP	199685	9/26/2022	4,043.50
0109646 BIO CAR CARE	199686	9/26/2022	2,050.00
0109137 BRYCE CONSULTING	199687	9/26/2022	810.00
0102989 CALIFORNIA DIESEL & POWER	199688	9/26/2022	29,368.16
0106437 CALIX, INC.	199689	9/26/2022	4,530.12
0106548 CAPITAL ONE TRADE CREDIT	199690	9/26/2022	450.13
0106676 CBS SPORTS NETWORK	199691	9/26/2022	1,983.58
0110383 CBW CONSTRUCTION	199692	9/26/2022	87.13
0016324 CINTAS CORPORATION #464	199693	9/26/2022	90.44
0098588 CITY OF BURLINGAME	199694	9/26/2022	2,554.50
0093561 CITY OF PACIFICA	199695	9/26/2022	60.00
0000508 CLEARLITE TROPHIES	199696	9/26/2022	370.28
0104995 CONDISTA	199697	9/26/2022	1,599.33
0015857 COUNTY OF SAN MATEO	199698	9/26/2022	164.51
0093479 DEPARTMENT OF JUSTICE	199699	9/26/2022	655.00
0018123 DEVELOPMENT DIMENSIONS INTERNATIONAL, INC.	199700	9/26/2022	1,000.00
0109577 DIRECTWORX	199701	9/26/2022	2,600.00
0101178 DISCOUNT PLUMBING	199702	9/26/2022	3,000.00
0105820 EAST BAY TIRE CO	199703	9/26/2022	5,194.52
0001646 ECOLAB INC.	199704	9/26/2022	369.18
0018799 ECONOMIC&PLANNING SYSTEMS INC.	199705	9/26/2022	4,472.87
0110325 ELITE UNDERGROUND INC.	199706	9/26/2022	1,472.83
0002025 TELECOMMUNICATIONS ENGINEERING ASSOCIATES	199707	9/26/2022	3,514.17
0016353 GCS ENVIRONMENTAL & EQUIPMENT SVC.	199708	9/26/2022	548.44
0018899 EOA INC.	199709	9/26/2022	8,183.29
0110427 EVENT SOLUTIONS	199710	9/26/2022	1,700.00
0001782 FLOWERS ELECTRIC & SVC.CO.INC.	199711	9/26/2022	1,106.52
0109661 BIRITE FOODSERVICE DISTRIBUTORS	199712	9/26/2022	478.03
0108589 PERFORMANCE FOODSERVICE-LEDYARD	199713	9/26/2022	1,108.70
0017720 FOX TELEVISION STATIONS, INC.	199714	9/26/2022	1,772.70
0109776 FRESH LINE PRODUCE	199715	9/26/2022	461.00
0014910 G & M AUTO BODY	199716	9/26/2022	1,743.94
0108425 GOOD CITY COMPANY	199717	9/26/2022	832.50
0000162 GRAINGER	199718	9/26/2022	296.00
0000541 GRANITE ROCK COMPANY	199719	9/26/2022	370.67
0110384 ZIZHI GUAN	199720	9/26/2022	91.91
0000385 HACH COMPANY	199721	9/26/2022	170.52
0018544 HEART OF SAN MATEO COUNTY	199722	9/26/2022	13,525.00
0110056 HH ASSOCIATES US, INC.	199723	9/26/2022	1,325.49
0000075 K-119 TOOLS OF CALIFORNIA INC.	199724	9/26/2022	311.11
0018561 LANCE BAYER	199725	9/26/2022	1,575.00
0109565 LAND LOGISTICS, INC.	199726	9/26/2022	5,710.00
0018048 CALLANDER ASSOCIATES LANDSCAPE ARCHITECTURE, INC.	199727	9/26/2022	368.21
0102784 DAVID LANGSAM	199728	9/26/2022	5,815.00
0110355 LANGUAGE NETWORK, INC	199729	9/26/2022	844.53
0105869 TREVOR LAVEZZO	199730	9/26/2022	96.69

POSITIVE PAY LISTING
CITY OF SAN BRUNO

Vendor Code & Name	Check#	Check Date	Amount
0017570 LEHR AUTO ELECTRIC	199731	9/26/2022	346.92
0017924 LORAL LANDSCAPING INC.	199732	9/26/2022	15,450.00
0018177 LOWE'S	199733	9/26/2022	348.53
0018275 MANAGEMENT PARTNERS	199734	9/26/2022	11,000.00
0110438 MCFADDEN & INGHAM, LLP	199735	9/26/2022	24,118.25
0110164 MISCOWATER	199736	9/26/2022	1,270.49
0103600 MOMENTUM TELECOM, INC.	199737	9/26/2022	16,366.16
0098639 MUNICIPAL RESOURCE GROUP, LLC	199738	9/26/2022	16,806.25
0000357 NATIONAL CABLE TV CO-OP, INC.	199739	9/26/2022	1,748.41
0110243 ODP BUSINESS SOLUTIONS, LLC	199740	9/26/2022	431.73
0109283 ODYSSEY POWER CORPORATION	199741	9/26/2022	5,468.05
0018275 THE REGENTS OF THE UNIVERSITY OF CA	199742	9/26/2022	363.91
0097567 ONE HOUR DRY CLEANING	199743	9/26/2022	440.75
0104998 OWEN EQUIPMENT COMPANY	199744	9/26/2022	1,114.14
0000012 PACIFIC GAS & ELECTRIC	199745	9/26/2022	32,234.66
0110381 DOLORES PATTERSON	199746	9/26/2022	263.99
0014961 PENINSULA UNIFORMS & EQUIPMENT	199747	9/26/2022	3,866.54
0017260 PETERSON TRUCKS, INC.	199748	9/26/2022	385.60
0108696 DAVID J POWERS AND ASSOCIATES, INC.	199749	9/26/2022	5,140.00
0098436 PROFESSIONAL LAND SERVICES	199750	9/26/2022	9,900.00
0110437 EDUARDO REYNOSO	199751	9/26/2022	3,000.00
0018777 LEXISNEXIS RISK DATA MANAGEMENT	199752	9/26/2022	757.35
0096458 RMC WATER AND ENVIRONMENT	199753	9/26/2022	6,001.00
0110248 ROMA'S DELI	199754	9/26/2022	56.01
0106070 SAFETY-KLEEN SYSTEMS, INC.	199755	9/26/2022	215.00
0018597 SAN MATEO DAILY JOURNAL	199756	9/26/2022	6,480.00
0017145 SAN MATEO LAWN MOWER SHOP	199757	9/26/2022	907.45
0110385 SELECT PORTFOLIO SERVICING INC	199758	9/26/2022	32.53
0018461 SERRAMONTE FORD, INC.	199759	9/26/2022	1,997.00
0106354 SEWER RAT PLUMBING, INC.	199760	9/26/2022	1,800.00
0103732 SFO MEDICAL CLINIC	199761	9/26/2022	6,403.00
0018962 SHOE DEPOT INC.	199762	9/26/2022	259.82
0016458 SIADAT ENTERPRISES INC.	199763	9/26/2022	404.05
0104548 SLOAN SAKAI YEUNG & WONG LLP	199764	9/26/2022	1,690.00
0109929 TRIPEPI, SMITH AND ASSOCIATES, INC.	199765	9/26/2022	256.25
0015163 PENINSULA SPORTS OFFICIALS ASSOC.INC.	199766	9/26/2022	687.50
0110212 STATE ROOFING SYSTEMS, INC.	199767	9/26/2022	109,276.18
0105796 SUNRISE FOOD DISTRIBUTOR INC.	199768	9/26/2022	571.95
0001849 BAY AREA WATER SUPPLY & CONSERVATION AGENCY	199769	9/26/2022	5,160.00
0102962 SWANK MOTION PICTURES, INC.	199770	9/26/2022	495.00
0107640 TANNER PACIFIC, INC.	199771	9/26/2022	7,101.00
0110189 TBWBH PROPS & MEASURES	199772	9/26/2022	6,500.00
0110386 GURSTEEN TEAUPA	199773	9/26/2022	50.00
0018088 THE UPS STORE #810	199774	9/26/2022	111.13
0000036 THOMSON REUTERS	199775	9/26/2022	586.15
0017527 TIFCO INDUSTRIES INC.	199776	9/26/2022	905.05
0104135 GLOBAL TRACKING COMMUNICATIONS, INC.	199777	9/26/2022	275.00
0103736 TURF STAR, INC.	199778	9/26/2022	566.09
0102744 UNIVERSAL BUILDING SERVICES	199779	9/26/2022	336.00
0110402 JAVIER VALENICA	199780	9/26/2022	1,200.00
0104173 PAUL VELLA	199781	9/26/2022	500.00
0104233 WAVE	199782	9/26/2022	21,600.00
0104660 WEST YOST ASSOCIATES, INC.	199783	9/26/2022	7,524.00
0017595 WESTERN TRUCK FAB, INC.	199784	9/26/2022	568.46
0000612 WESTVALLEY CONSTRUCTION CO.INC	199785	9/26/2022	24,684.78
0096893 WILSEY HAM	199786	9/26/2022	14,549.00
0108261 WOODARD & CURRAN	199787	9/26/2022	6,985.00
0104022 WORLD JOURNAL	199788	9/26/2022	325.00

POSITIVE PAY LISTING
CITY OF SAN BRUNO

<u>Vendor Code & Name</u>	<u>Check#</u>	<u>Check Date</u>	<u>Amount</u>
0109476 WORLD PAC INC	199789	9/26/2022	2,255.07
0110441 ADAM ZACHS	199790	9/26/2022	341.07
0104033 ZCORM, INC.	199791	9/26/2022	25,790.13
	Total Amount		570,717.32
	Total Count		120



City Council Agenda Item
Staff Report

CITY OF SAN BRUNO

DATE: October 3, 2022

TO: Honorable Mayor and Members of the City Council

FROM: Jovan D. Grogan, City Manager

PREPARED BY: Bobby Magee, Interim Finance Director
Kathleen O'Malley, Accounting & Customer Service Representative

SUBJECT: Accounts Payable Warrant Register

This is to certify that the claims listed on pages 1 to 2 inclusive, and/or claims numbered from 199792 through 199889 inclusive, totaling \$534,933.60 have been checked in detail and approved by the proper officials, and in my opinion, represent fair and just charges against the City in accordance with their respective amounts. The table below summarizes the total paid by Fund.

Fund	Fund Name	Amount
001	General Fund	\$108,616.97
132	Agency On Aging	\$5,087.65
133	Restricted Revenues	\$1,229.92
137	Developer Project Contributions	\$27,488.75
201	Parks and Facilities Capital	\$34,639.04
203	Street Improvement Projects	\$375.00
611	Water Fund	15,712.20
621	Stormwater Fund	163,275.95
631	Wastewater Fund	21,932.26
641	CityNet Services Fund	10,327.75
701	Central Garage	1,403.21
702	Facility Maintenance Fund	12,220.55
703	General Equipment Revolving	80,418.67
707	Technology Development	10,182.53
711	Self-Insurance	42,023.15
TOTAL FOR APPROVAL		\$534,933.60

Respectfully submitted,


Finance Director

10/4/22
Date

Document group: komalley Bank: apbank 432000438

Vendor Code & Name	Check #	Check Date	Amount
0096852 ABAG PLAN CORPORATION	199792	10/3/2022	42,023.15
0104680 ACCESS 24 COMMUNICATIONS INC.	199793	10/3/2022	439.10
0106435 ACTION TOWING & ROAD SVC. INC.	199794	10/3/2022	159.50
0000858 ADECCO EMPLOYMENT SERVICES	199795	10/3/2022	14,184.08
0001170 AIRGAS USA, LLC	199797	10/3/2022	272.91
0000163 AIRPORT AUTO PARTS INC.	199798	10/3/2022	341.33
0018976 ALPHA ANALYTICAL LAB. INC.	199799	10/3/2022	1,460.00
0102355 AMAZON	199800	10/3/2022	1,847.64
0108986 ANSON WONG	199888	10/3/2022	1,000.00
0106199 ARAGON VETERINARY CLINIC	199801	10/3/2022	245.12
0106225 ARIES INDUSTRIES, INC.	199802	10/3/2022	8,433.71
0016123 AT&T	199803	10/3/2022	1,701.96
0017191 AT&T	199804	10/3/2022	248.47
0000345 BAKER & TAYLOR BOOKS	199805	10/3/2022	22.68
0100526 BAY ALARM COMPANY	199806	10/3/2022	4,447.85
0001849 BAY AREA WATER SUPPLY & CONSERVATION AGEN	199875	10/3/2022	1,744.42
0108691 BEAR CLOUD TECHNOLOGIES, INC.	199807	10/3/2022	9,361.35
0017801 BILL'S LOCK SHOP	199808	10/3/2022	105.05
0109661 BIRITE FOODSERVICE DISTRIBUTORS	199832	10/3/2022	624.55
0110439 BOOKING BIZ	199809	10/3/2022	2,500.00
0000378 BROADMOOR LANDSCAPE SUPPLY	199810	10/3/2022	290.07
0018355 CALIFORNIA BUILDING OFFICIALS	199811	10/3/2022	140.00
0102989 CALIFORNIA DIESEL & POWER	199812	10/3/2022	1,050.03
0110448 CAROLINE STORK	199872	10/3/2022	400.00
0017284 CHEMSEARCHFE	199813	10/3/2022	428.51
0016324 CINTAS CORPORATION #464	199814	10/3/2022	172.66
0000227 CITY OF SAN BRUNO	199815	10/3/2022	1,147.67
0000386 CITY OF SOUTH SAN FRANCISCO	199816	10/3/2022	3,293.07
0109639 CLAREMONT BEHAVIORAL SVCS, INC.	199817	10/3/2022	753.75
0105860 CONTRA COSTA COUNTY LIBRARY ADMINISTRATIO	199822	10/3/2022	600.00
0109731 COOLRITE REFRIGERATION INC.	199819	10/3/2022	995.00
0017011 COPWARE, INC.	199820	10/3/2022	1,270.00
0109788 CORE & MAIN LP	199821	10/3/2022	2,597.78
0015857 COUNTY OF SAN MATEO	199823	10/3/2022	82.25
0018331 CSG CONSULTANTS INC.	199824	10/3/2022	3,518.59
0108696 DAVID J POWERS AND ASSOCIATES, INC.	199862	10/3/2022	17,128.75
0018673 DENNIS BOSCH	199825	10/3/2022	280.86
0000430 DKS ASSOCIATES	199826	10/3/2022	375.00
0103682 EAST BAY MUNI UTILITY DISTRICT	199827	10/3/2022	2,493.00
0102627 FASTRK VIOLATION PROCESSING DEPT.	199882	10/3/2022	24.00
0109510 FIRST ALARM	199829	10/3/2022	460.00
0109785 FIRSTTWO, INC.	199830	10/3/2022	4,800.00
0001782 FLOWERS ELECTRIC & SVC.CO.INC.	199831	10/3/2022	2,137.91
0109776 FRESH LINE PRODUCE	199833	10/3/2022	662.00
0018807 GALLS, LLC	199834	10/3/2022	2,787.16
0104135 GLOBAL TRACKING COMMUNICATIONS, INC.	199879	10/3/2022	24.99
0107686 GOSERCO, INC.	199835	10/3/2022	3,296.28
0095966 GREAT AMERICA FINANCIAL SVC.	199836	10/3/2022	655.18
0110361 GREEN MACHINES INC.	199837	10/3/2022	163,136.91
0108302 GRIFFIN STRUCTURES, INC.	199838	10/3/2022	32,579.04
0109597 HOANG MICKEY	199850	10/3/2022	1,000.00
0105378 HOME MAID RAVIOLI COMPANY INC.	199840	10/3/2022	104.00
0110129 JOHNSON HANG	199839	10/3/2022	500.00

Document group: komalley Bank: apbank 432000438

Vendor Code & Name	Check #	Check Date	Amount
0000075 K-119 TOOLS OF CALIFORNIA INC.	199842	10/3/2022	32.85
0104657 KAREN ONO	199856	10/3/2022	153.11
0000132 KELLY-MOORE PAINT CO INC.	199843	10/3/2022	152.34
0109565 LAND LOGISTICS, INC.	199844	10/3/2022	10,360.00
0103049 LAURETTA PRINTING© CENTER	199845	10/3/2022	515.97
0017570 LEHR AUTO ELECTRIC	199846	10/3/2022	22,715.57
0104424 LIDIA'S ITALIAN DELICACIES	199847	10/3/2022	3,160.00
0109532 MATRIX HG, INC.	199848	10/3/2022	266.50
0016041 METROMOBILE COMMUNICATIONS	199849	10/3/2022	142.84
0016863 MIDWEST TAPE, LLC	199851	10/3/2022	90.19
0001709 MILLBRAE LOCK	199852	10/3/2022	27.45
0110064 MURIEL JOHNSON	199841	10/3/2022	750.00
0109974 NOAH AGIUS	199796	10/3/2022	500.00
0110243 ODP BUSINESS SOLUTIONS, LLC	199854	10/3/2022	837.45
0097567 ONE HOUR DRY CLEANING	199855	10/3/2022	568.75
0104416 OVERDRIVE, INC.	199857	10/3/2022	1,829.88
0103933 OWEN EQUIPMENT SALES	199858	10/3/2022	725.18
0000012 PACIFIC GAS & ELECTRIC	199859	10/3/2022	13,537.18
0096590 PAULINE YOUNG	199889	10/3/2022	450.00
0001154 PENINSULA LIBRARY SYSTEM	199860	10/3/2022	4,178.22
0108807 POWERDMS, INC.	199861	10/3/2022	4,990.00
0000229 REEVES CO., INC.	199864	10/3/2022	29.09
0103531 RICOH USA, INC.	199865	10/3/2022	1,521.39
0096659 SAN BRUNO PET HOSPITAL	199866	10/3/2022	240.87
0017432 SAN MATEO COUNTY PUBLIC SAFETY COMMUNICA	199863	10/3/2022	2,460.75
0018461 SERRAMONTE FORD, INC.	199867	10/3/2022	996.40
0018962 SHOE DEPOT INC.	199868	10/3/2022	206.69
0093543 SMPCSA	199869	10/3/2022	300.00
0016831 STAPLES CREDIT PLAN	199870	10/3/2022	549.26
0105711 STEPFORD	199871	10/3/2022	57,703.10
0105899 SUN RIDGE SYSTEMS, INC	199873	10/3/2022	22,400.00
0105796 SUNRISE FOOD DISTRIBUTOR INC.	199874	10/3/2022	537.10
0002025 TELECOMMUNICATIONS ENGINEERING ASSOCIATE	199828	10/3/2022	85.00
0000241 THE ADAM-HILL COMPANY	199876	10/3/2022	234.47
0108402 THE HOME DEPOT PRO	199877	10/3/2022	6,348.09
0097449 TK ELEVATOR CORPORATION	199878	10/3/2022	491.78
0110140 TRUE NORTH COMPLIANCE SERVICES, INC	199853	10/3/2022	9,750.00
0018944 ULINE, INC.	199880	10/3/2022	1,004.40
0102744 UNIVERSAL BUILDING SERVICES	199881	10/3/2022	672.00
0108652 WATER WORKS ENGINEERS, LLC	199883	10/3/2022	4,284.01
0016899 WECO INDUSTRIES LLC	199884	10/3/2022	401.28
0096767 WEST COAST ARBORISTS, INC.	199885	10/3/2022	14,400.00
0105955 WEST COAST CODE CONSULTANTS, INC.	199818	10/3/2022	1,745.00
0096893 WILSEY HAM	199886	10/3/2022	1,235.00
0013841 WITMER-TYSON IMPORTS INC	199887	10/3/2022	1,007.11
GrandTotal:			534,933.60
Total count:			98



City Council Agenda Item Staff Report

CITY OF SAN BRUNO

DATE: October 11, 2022

TO: Honorable Mayor and Members of the City Council

FROM: Jovan D. Grogan, City Manager

PREPARED BY: Anh Tran, Management Analyst II

SUBJECT: Payroll Acceptance

City Council acceptance of the City payroll distributed September 30, 2022 is recommended. The Labor Summary report reflecting the total payroll amount of \$1,742,501.58 for bi-weekly pay period ending September 25, 2022 by fund is shown below:

Fund	Amount
Fund: 001 - GENERAL FUND	1,286,651.28
Fund: 006 - AMERICAN RESCUE PLAN ACT	60,051.84
Fund: 122 - SOLID WASTE/RECYCLE	245.03
Fund: 132 - AGENCY ON AGING	1,347.01
Fund: 137 - DEVELOPER PROJECT CONTRIBUTIONS	4,598.31
Fund: 201 - PARKS AND FACILITIES CAPITAL	209.68
Fund: 203 - STREET IMPROVE. PROJECTS	6,286.27
Fund: 611 - WATER FUND	88,633.48
Fund: 621 - STORMWATER FUND	30,378.37
Fund: 631 - WASTEWATER FUND	89,615.62
Fund: 641 - CITYNET SERVICES FUND	90,129.42
Fund: 701 - CENTRAL GARAGE	13,953.95
Fund: 702 - FACILITY MAINT.FUND	37,976.18
Fund: 707 - TECHNOLOGY DEVELOPMENT	24,939.65
Fund: 711 - SELF INSURANCE	7,485.49
Total:	1,742,501.58

DocuSigned by:

Bobby Magee

Bobby Magee, Interim Finance Director

10/3/2022

Date



City Council Agenda Item Staff Report

CITY OF SAN BRUNO

DATE: October 11, 2022

TO: Honorable Mayor and Members of the City Council

FROM: Bobby Magee, Interim Finance Director

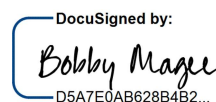
PREPARED BY: Esther Garibay-Fernandes, Financial Services Manager

SUBJECT: Monthly Investment Report – August 2022

The table below summarizes the investment portfolio's total book value by Investment type.

Investment Type	Total Book Value
TriCounties Bank	\$16,334,922
Local Agency Investment Fund	25,955,526
San Mateo County Pool	26,931,780
Government Agency Investments	74,383,142
Municipal Bonds	27,328,667
Certificate of Deposit	500,000
Money Market Investments	207,999
Total Investments	\$171,642,036

Respectfully submitted,

DocuSigned by:

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Interim Finance Director

9/14/2022

Date

CITY OF SAN BRUNO
Portfolio Summary
August 31, 2022

Page 1

CITY OF SAN BRUNO
Portfolio Summary
August 31, 2022

There is adequate cash flow and ~~Due~~ **Signed by** investments to meet the City's needs for the next six months.

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Cash and Investments Report

Page: 1

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Through period: 11

City of San Bruno
Through May 2022

	Cash	Investments	Fund Total
001 GENERAL FUND	14,842,214.33	57,275.72	14,899,490.05
002 GENERAL FUND RESERVE	11,577,517.62	0.00	11,577,517.62
003 ONE-TIME REVENUE	1,235,455.80	0.00	1,235,455.80
004 CAP IMPROV/ONE-TIME INITIATIVE RSRV	9,252,951.73	0.00	9,252,951.73
005 MEASURE G DISTRICT SALES TAX	3,941,250.64	0.00	3,941,250.64
006 AMERICAN RESCUE PLAN ACT	2,366,686.52	0.00	2,366,686.52
101 GAS TAX	1,753,649.38	0.00	1,753,649.38
102 MEASURE A TRANSPORTATION TAX	2,262,144.67	0.00	2,262,144.67
103 STREET SPECIAL REVENUE	183,726.09	0.00	183,726.09
104 MEASURE W TRANSPORTATION TAX	867,517.18	0.00	867,517.18
111 POLICE ASSET FORFEITURE	558,823.73	0.00	558,823.73
113 POLICE SPECIAL REVENUE	161,496.51	0.00	161,496.51
121 FEDERAL/STATE GRANTS	(44,704.09)	0.00	(44,704.09)
122 SOLID WASTE/RECYCL.	332,003.26	0.00	332,003.26
130 IMPACT FEES	153,878.37	0.00	153,878.37
131 IN-LIEU FEES	7,253,782.59	0.00	7,253,782.59
132 AGENCY ON AGING	91,935.33	0.00	91,935.33
133 RESTRICTED REVENUES	2,600,413.96	0.00	2,600,413.96
136 EMERGENCY DISASTER RESERVE	2,774,037.08	0.00	2,774,037.08
137 DEVELOPER PROJECT CONTRIBUTIONS	984,059.51	0.00	984,059.51
140 DEVELOPER IN-LIEU UNDERGROUNDING	75,000.00	0.00	75,000.00
151 SUCCESSOR AGENCY TO THE SB RDA - OPS	0.00	0.00	0.00
152 CITY OF SB AS SUCCESSOR HOUSING AGENCY	700,648.55	0.00	700,648.55
153 RDA OBLIGATION RETIREMENT FUND	2,775,371.70	8.47	2,775,380.17
190 DISASTER RECOVERY FUND	913,260.44	0.00	913,260.44
201 PARKS AND FACILITIES CAPITAL	9,454,426.58	0.00	9,454,426.58
203 STREET IMPROVE. PROJECTS	3,964,288.17	0.00	3,964,288.17
207 TECHNOLOGY CAPITAL	410,904.57	0.00	410,904.57
302 LEASE DEBT SERVICE	(450,380.74)	1,060,037.50	609,656.76
611 WATER FUND	48,068,841.95	456,425.00	48,525,266.95
621 STORMWATER FUND	759,316.41	0.00	759,316.41
631 WASTEWATER FUND	47,377,424.73	1,462,165.94	48,839,590.67
641 CITYNET SERVICES FUND	(15,112,348.63)	0.00	(15,112,348.63)
701 CENTRAL GARAGE	236,021.59	0.00	236,021.59
702 FACILITY MAINT.FUND	738,294.99	0.00	738,294.99
703 GENERAL EQUIPMENT REVOLVING	3,709,626.12	0.00	3,709,626.12
707 TECHNOLOGY DEVELOPMENT	304,781.58	0.00	304,781.58
711 SELF INSURANCE	1,366,877.31	91,118.50	1,457,995.81
891 RECOLOGY SAN BRUNO	323,426.92	0.00	323,426.92
Grand Total:	168,764,622.45 *	3,127,031.13	171,891,653.58

* Reconciliation of Pooled Cash & Investments to Portfolio Book Value

Investment Portfolio Value	154,779,252.01
Cash on hand - Checking Account	15,773,725.25
Payroll and Accounts Payable Outstanding Checks	(1,230,400.81)
Deposits in Transit	(557,954.00)
General Ledger Cash Balance as of May 31, 2022	168,764,622.45

Totals are through period: 11

DocuSigned by: 10/3/2022

Prepared By: Jeff Lichtenstein

DocuSigned by: 10/3/2022

Reviewed By: Bobby Magee

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Cash and Investments Report

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Through period: 12

City of San Bruno
Through June 2022

	Cash	Investments	Fund Total
001 GENERAL FUND	13,956,802.15	57,275.72	14,014,077.87
002 GENERAL FUND RESERVE	11,577,517.62	0.00	11,577,517.62
003 ONE-TIME REVENUE	1,235,455.80	0.00	1,235,455.80
004 CAP IMPROV/ONE-TIME INITIATIVE RSRV	9,267,140.85	0.00	9,267,140.85
005 MEASURE G DISTRICT SALES TAX	4,201,531.86	0.00	4,201,531.86
006 AMERICAN RESCUE PLAN ACT	2,027,507.53	0.00	2,027,507.53
101 GAS TAX	1,851,652.25	0.00	1,851,652.25
102 MEASURE A TRANSPORTATION TAX	2,355,415.57	0.00	2,355,415.57
103 STREET SPECIAL REVENUE	183,726.09	0.00	183,726.09
104 MEASURE W TRANSPORTATION TAX	969,883.70	0.00	969,883.70
111 POLICE ASSET FORFEITURE	600,326.33	0.00	600,326.33
113 POLICE SPECIAL REVENUE	144,833.51	0.00	144,833.51
121 FEDERAL/STATE GRANTS	(98,449.09)	0.00	(98,449.09)
122 SOLID WASTE/RECYCL.	393,878.47	0.00	393,878.47
130 IMPACT FEES	153,878.37	0.00	153,878.37
131 IN-LIEU FEES	7,253,782.59	0.00	7,253,782.59
132 AGENCY ON AGING	77,565.56	0.00	77,565.56
133 RESTRICTED REVENUES	2,709,650.93	0.00	2,709,650.93
136 EMERGENCY DISASTER RESERVE	2,774,037.08	0.00	2,774,037.08
137 DEVELOPER PROJECT CONTRIBUTIONS	810,052.29	0.00	810,052.29
140 DEVELOPER IN-LIEU UNDERGROUNDING	75,000.00	0.00	75,000.00
151 SUCCESSOR AGENCY TO THE SB RDA - OPS	0.00	0.00	0.00
152 CITY OF SB AS SUCCESSOR HOUSING AGENC'	700,648.55	0.00	700,648.55
153 RDA OBLIGATION RETIREMENT FUND	2,775,371.70	8.91	2,775,380.61
190 DISASTER RECOVERY FUND	913,260.44	0.00	913,260.44
201 PARKS AND FACILITIES CAPITAL	8,254,494.95	0.00	8,254,494.95
203 STREET IMPROVE. PROJECTS	3,853,686.88	0.00	3,853,686.88
207 TECHNOLOGY CAPITAL	301,365.73	0.00	301,365.73
302 LEASE DEBT SERVICE	(361,296.74)	195.52	(361,101.22)
611 WATER FUND	48,302,097.87	456,425.02	48,758,522.89
621 STORMWATER FUND	695,997.72	0.00	695,997.72
631 WASTEWATER FUND	47,431,839.02	1,462,165.97	48,894,004.99
641 CITYNET SERVICES FUND	(15,127,375.45)	0.00	(15,127,375.45)
701 CENTRAL GARAGE	252,503.73	0.00	252,503.73
702 FACILITY MAINT.FUND	725,235.14	0.00	725,235.14
703 GENERAL EQUIPMENT REVOLVING	3,709,626.12	0.00	3,709,626.12
707 TECHNOLOGY DEVELOPMENT	235,246.45	0.00	235,246.45
711 SELF INSURANCE	1,505,427.60	91,118.50	1,596,546.10
891 RECOLOGY SAN BRUNO	590,885.01	0.00	590,885.01
Grand Total:	167,280,204.18	2,067,189.64	169,347,393.82

* Reconciliation of Pooled Cash & Investments to Portfolio Book Value

Investment Portfolio Value	155,246,481.29
Cash on hand - Checking Account	13,170,165.96
Payroll and Accounts Payable Outstanding Checks	(1,157,576.81)
Deposits in Transit	21,133.74
General Ledger Cash Balance as of June 30, 2022	167,280,204.18

Totals are through period: 12

Prepared By:	DocuSigned by: <i>Jeff Lichtenstein</i> E61F83908531453...	10/3/2022
Reviewed By:	DocuSigned by: <i>Bobby Magee</i> D5A7E0AB628B4B2...	10/3/2022 24 of 201



City Council Agenda Item Staff Report

CITY OF SAN BRUNO

DATE: October 11, 2022

TO: Honorable Mayor and Members of the City Council

FROM: Jovan D. Grogan, City Manager

PREPARED BY: Jennifer Dianos, Assistant to the City Manager

SUBJECT: Receive Written Update on the City's Response Efforts to COVID-19

BACKGROUND: This report is to provide an update on the City's response efforts to COVID-19, while the Emergency Operations Center (EOC) is activated. The information provided in this report is as of the time it was produced and may be subject to change.

DISCUSSION: San Mateo County Health provides regular COVID-19 data dashboards through their website, smchealth.org. San Mateo County Health reports as of Sept. 29, 2022, there are a total of 355 cases within the last 30 days in the City of San Bruno and approximately 94.4% of San Bruno residents are vaccinated. Additional statistics are attached to this report.

There are no operational modifications to report to the City Council.

COVID-19 bivalent boosters are available - visit myturn.ca.gov to find the closest clinic. Some clinics may require an appointment.

FISCAL IMPACT: Since the declaration of emergency in March of 2020, the City of San Bruno has recorded the emergency expenditure of \$200,120 out of the City's emergency reserve funds for COVID related operations. In total, the City has recorded a total COVID related expenditure of \$2.08 million including facilities enhancement projects (i.e. keyless entry system to City Hall), COVID-19 personal protective equipment (PPE) supplies, and initial response and adaptation to remote programming/services.

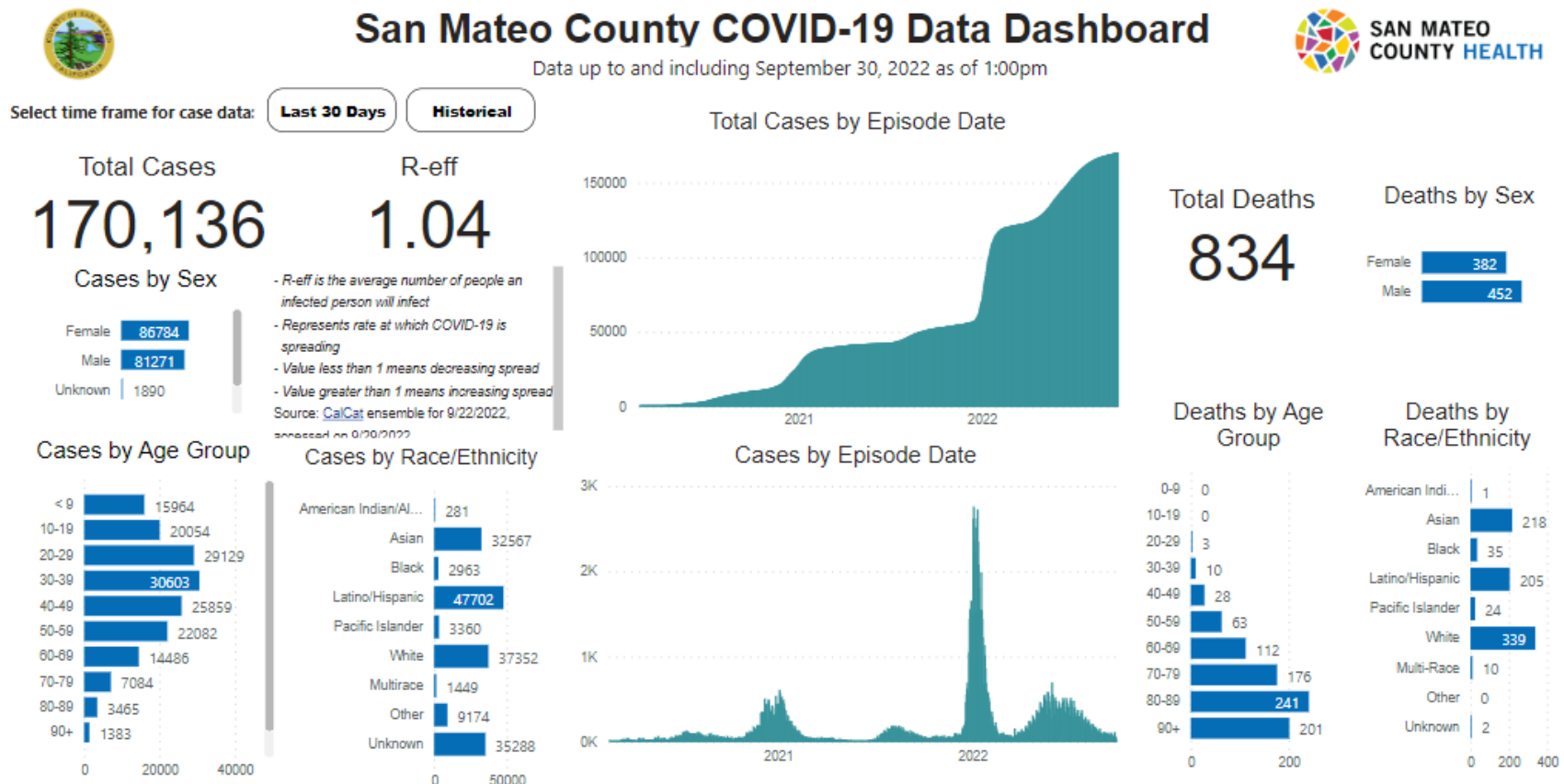
There are no additional expenditures to report for the specific period of this report.

ENVIRONMENTAL IMPACT: There is no environmental impact. The action is not a project subject to CEQA. City Council's action is not considered a "Project" per CEQA Guidelines and therefore no further environmental analysis is required.

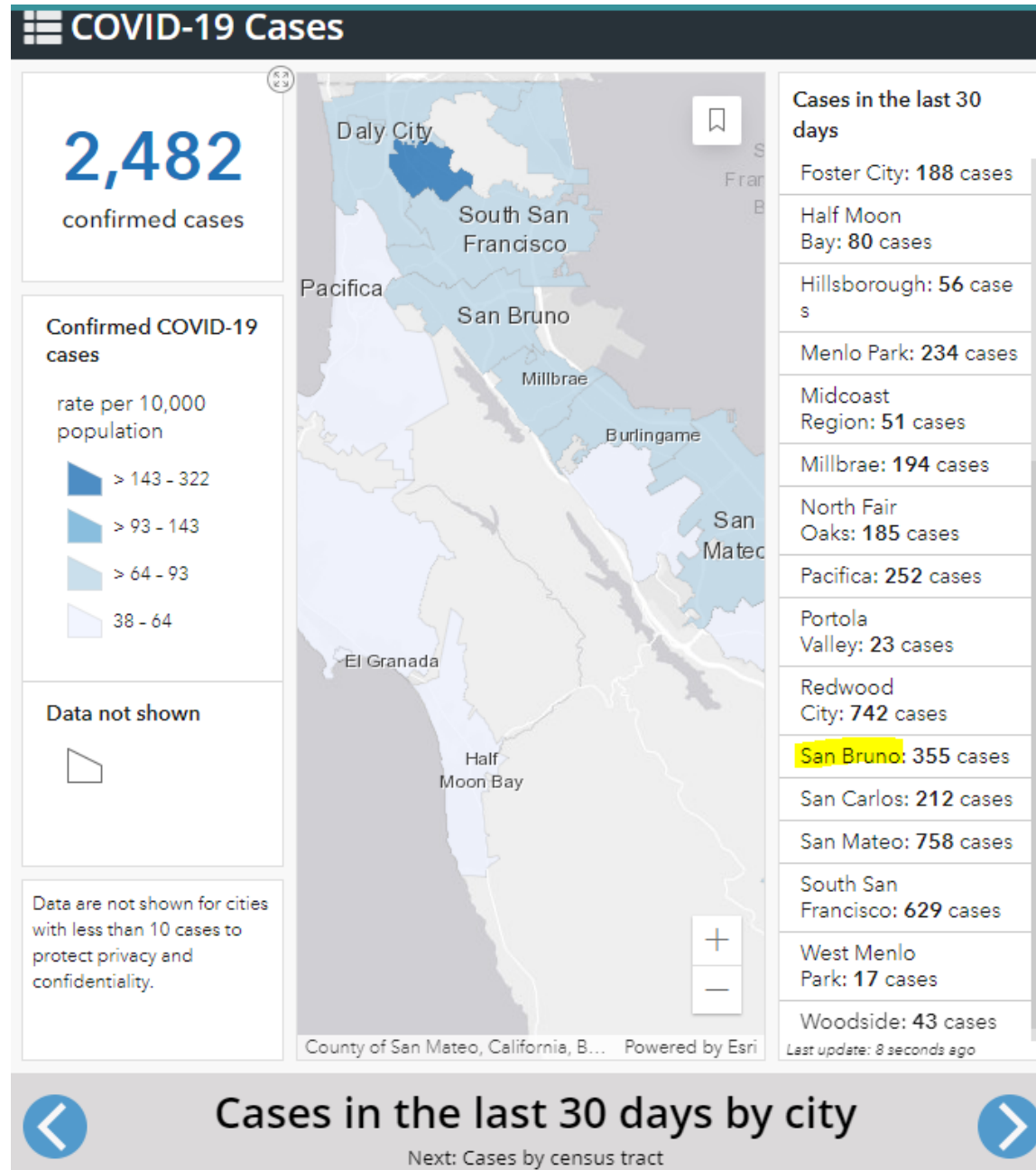
RECOMMENDATION: Receive Written Update on the City's Response Efforts to COVID-19

ALTERNATIVES: The City of San Bruno's Emergency Operations Center remains activated and there are no alternatives proposed at this time.

ATTACHMENTS: 1. San Mateo County Health Department COVID-19 Data Dashboard



Because of limited testing capacity, the number of cases detected through testing represents only a small portion of the total number of likely cases in the County. COVID-19 data are reported as timely, accurately, and completely as we have available. Data are updated as we receive information that is more complete and will change over time as we learn more. Cases are lab-confirmed COVID-19 cases reported to San Mateo County Public Health by providers, commercial laboratories, and academic laboratories, including reporting results through the California Reportable Disease Information Exchange. A lab-confirmed case is defined as detection of SARS-CoV-2 RNA in a clinical specimen using a molecular amplification detection test. Cases are counted by episode date; episode date is defined as the earliest of: case symptom onset date, sample collection date, date of laboratory result, or date of death. Deaths reported in this dashboard include only San Mateo County residents; death data last updated September 29, 2022.



Cases in the last 30 days by city

Next: Cases by census tract

COVID 19 Vaccinations of San Mateo County Reside...

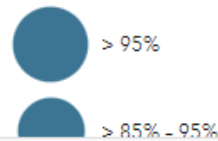
as of 9/29/2022

 **720,160**

Individuals with at least 1 dose

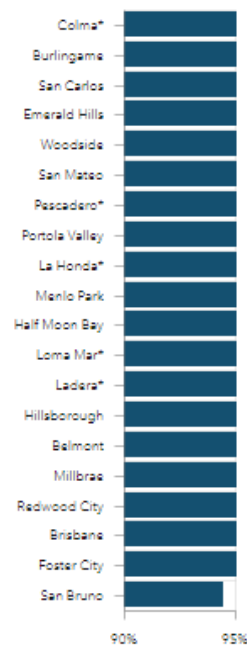
COVID 19 Vaccinations

% Vaccinated

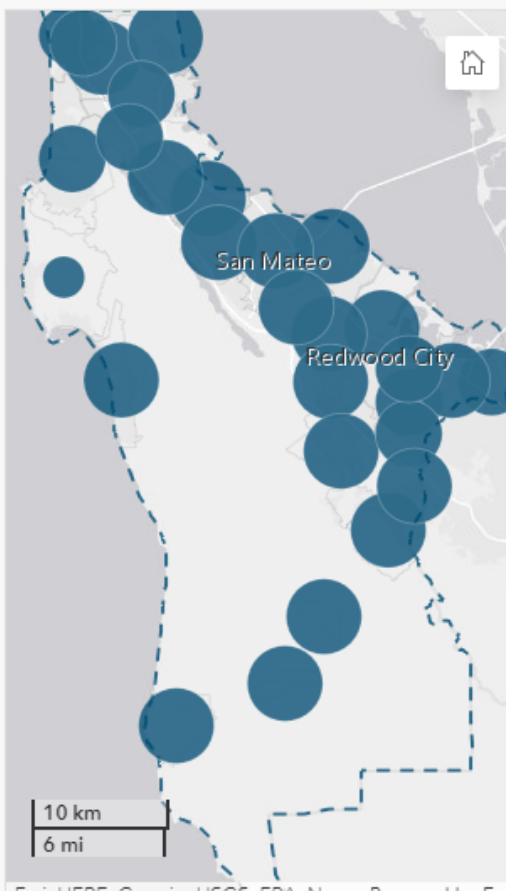


Top 20 Vaccinated Cities

(% Vaccinated)



Vaccinations by city are calculated by geocoding and aggregating self-reported addresses by city or town. In instances where geocoding is not possible (due to missing street addresses), counts of self-reported city of residence are aggregated with counts of geocoded addresses. Vaccinations with addresses that are not successfully geocoded or where city of residence is missing cannot be assigned to a corresponding city. For geographies with smaller populations, such as Pescadero, there is some likely inaccuracy in calculated vaccination rates due to geocoding errors and instability of vaccination counts and population counts. Please interpret this map with



% Vaccinated

Emerald Hills: >95%
Foster City: >95%
Half Moon Bay: >95%
Hillsborough: >95%
La Honda*: >95%
Ladera*: >95%
Loma Mar*: >95%
Menlo Park: >95%
Midcoast Region: 59.4%
Millbrae: >95%
North Fair Oaks: 87.1%
Pacific: 88.1%
Pescadero*: >95%
Portola Valley: >95%
Redwood City: >95%
San Bruno: 94.4%
San Carlos: >95%

[Click here for vaccination rates for 10+, 16+, and 65+](#)

**Population estimates are less precise for towns with small populations. The vaccine eligible population may be higher or lower*

◀ Note ▶

Total Individuals Vaccinated
720,737
as of
10/5/2022

County Population: 774,990
% Vaccinated: **93%**
% Series Completed: **86%**
%5+ years 1st Additional/Booster dose: **64%**
%50+ years 2nd Booster dose: **37%**
%65+ years 2nd Booster dose: **45%**

Date Administered
from

8/1/2020 10/5/2022

Individuals Who Completed
Vaccination Series
664,395

% Completed Vaccination Series of
those with at least 1 dose



Total Vaccine Doses Administered
2,011,681

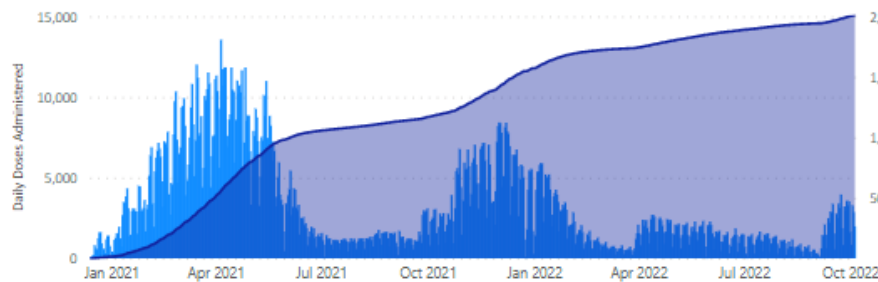
Vaccinations administered as part of federal health care organizations or programs such as the Department of Veterans Affairs (VA) report to federal immunization systems, may not report into CAIR2, and may not be included in vaccination numbers on the dashboard.

COVID 19 Vaccinations of San Mateo County Residents

Vaccinations for San Mateo County residents are reported to SMC Public Health via the California Immunization Registry (CAIR2). COVID-19 vaccine administration data are reported as timely, accurately, and completely as data become available. Previous data will change as new and updated data are received.

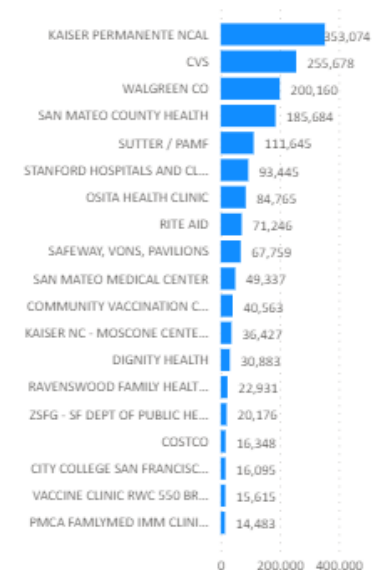
Vaccine Doses Administered by Date

● Vaccine Doses Administered ● Cumulative Vaccine Doses Administered

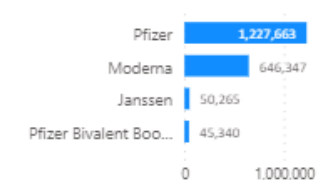


Recipient Vaccination Status by Date

Vaccines Administered By



Vaccines Administered





City Council Agenda Item Staff Report

CITY OF SAN BRUNO

DATE: October 11, 2022

TO: Honorable Mayor and Members of the City Council

FROM: Jovan D. Grogan, City Manager

PREPARED BY: Darcy Smith, Assistant City Manager

SUBJECT: Waive Second Reading and Adopt the Following Ordinances of the City of San Bruno:

- An Ordinance of the City of San Bruno Amending Article III (Zoning) of Title 12 (Land Use) of the Municipal Code by Adding Chapter 12.300 to Authorize Commercial Cannabis Retailers (Storefront Sales) in the Transit Corridors Plan Area CBD, MX-R, TOD-1, TOD-2, and PD Zones and in the PD Zones for the Shops at Tanforan, and Cannabis Distribution Facilities in the M-1 Zone, and Making a Finding of Exemption Under CEQA
- An Ordinance of the City of San Bruno Amending Title 3 (Revenue and Finance) of the Municipal Code to Lower the Tax Imposed on Cannabis Businesses, Amending Title 4 (Licenses and Regulations) to Add a New Chapter Pertaining to Commercial Cannabis Operators Permits, and Amending Title 6 (Public Peace, Morals and Welfare) to Eliminate the Prohibition on Commercial Cannabis Activity in the City, and Making a Finding of Exemption Under CEQA

BACKGROUND:

On September 27, 2022 at a duly noticed Public Hearing, the City Council waived the first reading and introduced two Ordinances. The first Ordinance would amend the City Zoning Code to add a new chapter to permit and regulate commercial cannabis retailers (storefront sales) and commercial cannabis distribution facilities. The second Ordinance would include various Municipal Code Amendments, including primarily amendments to Title 3 (Revenue and Finance) to lower the cannabis business tax to 5%, amendments to Title 4 (Licenses and Regulations) to add a new chapter pertaining to Commercial Cannabis Operators Permits, and amending Title 6 (Public Peace, Morals and Welfare) to eliminate the prohibition on commercial cannabis business activity in the City. During the September 27, 2022 Public Hearing, the City Council directed staff to modify the Ordinances to add public library as a “sensitive use.” Commercial cannabis operations are not permitted to be established or located within 600 feet of sensitive uses. After the meeting, staff modified the Ordinances to include a definition of a public library, and both Ordinances add public libraries to the list of sensitive uses. The modified Ordinances are presented in Attachment 1 and Attachment 2.

DISCUSSION:

The purpose of this consent item is to serve as a second reading and action for adoption of the two Ordinances.

Overview of Required Municipal Code Amendments to Enact a Commercial Cannabis Program

To enact changes to allow for cannabis retailers and a commercial distribution facility, the following amendments are required to the Municipal Code:

Land Use and Zoning: A new Chapter (12.300) would be added to the Zoning provisions of Municipal Code providing for cannabis uses in specified area with a Conditional Use Permit.

Remove Existing Prohibitions: San Bruno Municipal Code Chapter 6.58 currently prohibits all medical marijuana distribution facilities throughout the city. Collective or cooperative cultivation of medical marijuana is also prohibited. This section of the Municipal Code is proposed to be repealed if the City Council approves cannabis sales and distribution.

Commercial Cannabis Activities: San Bruno Municipal Chapter 6.59 currently prohibits various cannabis business activities. Amendments are proposed in the ordinance that would continue to prohibit cultivation, manufacturing, processing, testing and wholesale activities but allow for storefront sales and distribution within the limitations spelled out in the zoning.

Commercial Cannabis Operator's Permit (CCOP): Amendments are proposed in the ordinance to permit retail and distribution activities, Chapter 4.70 is proposed to be added to the Municipal Code to define the Operator's Permit process.

Proposed Commercial Cannabis Program

The City's cannabis program would do the following:

- Maintain provisions for personal cultivation/use of up to six plants (as currently provided for in the Code).
- Allow for up to three Cannabis Retailers (previously termed "dispensaries") in selected areas of the city – see location discussion, below. Cannabis retailers would allow for general retail storefront sales of cannabis or cannabis products, packaging and labeling of cannabis for sale, and could also include delivery services to residences or end-users. Cannabis retailers would be allowed subject to obtaining approval of a Commercial Cannabis Operators Permit as well as a Conditional Use Permit. Cannabis retailers would be required to comply with security and transportation requirements.
- Allow for one Cannabis Distribution Facility (commercial cannabis distribution) in selected areas of the city – see location discussion, below. Cannabis distribution facilities would provide for storage and distribution of commercial cannabis products to licensed commercial cannabis operators, though no retail sales would be allowed from the site. These uses would be allowed subject to obtaining approval of a Commercial Cannabis Operators Permit as well as a Conditional Use Permit. Any distribution service would be required to comply with security and transportation requirements.

There would be no other types of commercial cannabis operations permitted; all of these uses are currently and would continue to be prohibited by the city:

- No commercial cannabis cultivation. This use involves the commercial planting, growing, harvesting, drying, grading and trimming of cannabis, and can occur indoors or outdoors, including in a nursery setting.

- No commercial cannabis manufacturing, including CBD (cannabidiol) extract derived from cannabis. This use involves subjecting cannabis to a process which concentrates cannabis into an edible or topical product.
- No commercial cannabis testing/laboratories. This use involves state-mandated testing of cannabis products in a state-licensed laboratory setting prior to distribution and sale.
- No cannabis microbusinesses. This is a business involved in at least three types of commercial cannabis activities, including retail sale, cultivation, distribution and/or manufacturing.
- No temporary cannabis events. This is an event where cannabis may be consumed over a short period of time and at a temporary event location.
- No “cannabis cafes” for onsite consumption of cannabis products.

Qualifying Locations for Commercial Cannabis Uses

Staff evaluated several areas that could adequately support retail commercial cannabis activities, which was discussed by City Council at the Study Session. Considerations for the appropriateness of these locations included: adequate vehicular, bicycle, and pedestrian access; underlying zoning (commercial or mixed-use zoning); and nearby sensitive land uses.

The primary areas for potential commercial cannabis uses focused on the downtown and major transportation corridors (portions of El Camino Real and San Bruno Avenue, as well as San Mateo Avenue). In these targeted areas, consisting of C-B-D, MXR, TOD1, TOD2 and P-D zones within the Transit Corridors Plan (TCP) area, there is mainly a mix of commercial and office uses. Cannabis retailers would also be conditionally permitted at The Shops at Tanforan. Additionally, commercial cannabis distribution facilities would be considered an appropriate land use in the M-1 (Industrial) Zone north of San Bruno Avenue.

Consideration of Sensitive Uses Near Commercial Cannabis Operations

State cannabis law (Business and Professions Code) identifies several categories of land uses that are considered sensitive uses when in proximity to commercial cannabis activities:

- Youth Centers (defined as any public or private facility that is primarily used to host recreational or social activities for minors).
- Daycare Centers (defined as a childcare center, other than home-based day care operations, and includes licensed childcare centers).
- Schools (defined as K-12 public or private schools).
- Public Library (defined as a building or room operated by a government entity containing collections of books, periodicals, and sometimes films and recorded music for people to read, borrow, or refer to. A public library may also provide digital or computer resources).

State law identifies a standard 600-foot separation, or mandatory buffer distance, between a proposed commercial cannabis use and a youth center, daycare center and school. However, this 600-foot separation can be modified by local ordinance, making the required separation distance greater or less than 600 feet.

Additionally, by local regulation, other uses can be included in the list of sensitive uses. On September 27, 2022 as part of the City Council motion to vote to introduce the Ordinances, the City Council directed staff to add Public Library to the list of sensitive uses.

Commercial Cannabis Regulations and Application Review Process

Commercial Cannabis Operations for cannabis retailers or cannabis distribution facilities will require both a Commercial Cannabis Operators Permit (CCOP) and a Conditional Use Permit (CUP). Jurisdictions that permit commercial cannabis uses frequently utilize similar processes. These permits are appropriate for commercial cannabis activities as the cannabis industry is highly regulated, and as the nature of commercial cannabis uses has the potential to raise concerns as to safety, operational details, and with respect to land use compatibility. CUPs for site specific locations are appropriate and would require public noticing, public hearings, and review and action by the Planning Commission. This action of the Commission is final, unless appealed to the City Council by applicants or the public.

The first step in the process would be for a prospective commercial cannabis operator to file a CCOP. The process would have an application filing timeline during which CCOP applications can be filed with the city. While only up to three cannabis retailer locations and one distribution facility may ultimately be approved, the city could receive and process more than four applications.

The CCOP application would require the cannabis business to identify the owners and managers of the business, require the business submit certain information pertaining to the business including financial information, and require the owners and managers to submit to background checks. These applications would be reviewed by a team of staff from different City Departments and Divisions, including Planning, Building, Public Works Engineering, Fire, and Police. The applications would be assigned a "Pass" or "Fail" status by the team based on review criteria to be established by the city, which may include such factors as a proposed business plan, community benefits, neighborhood compatibility, safety and hazardous materials plan, security plan and odor control plan.

Those CCOP applications achieving a "pass" rating would be cleared to proceed to the second step, consisting of City Council review and selection of up to three retail businesses and up to one distribution business.

Those businesses approved by the City Council would then proceed to the third step, formally filing a Conditional Use Permit (CUP) application for a specific location. CUP applications would be reviewed by staff and presented to the Planning Commission for consideration at a noticed public hearing. The Planning Commission shall be the recommending body with the City Council being the final approving authority on which commercial cannabis operations obtain a CUP. With CUP approval, the third and final step would be for staff to formally issue the CCOP to those applicants who have obtained their CUP approval.

Additionally, State licenses would also be required for all commercial cannabis operations. There are many types of licenses, though the most likely licenses applicable to San Bruno cannabis businesses would be for Type 10A (Retailer) and Type 11 (Distributor). Licenses are issued by the state for a period of one year, and can be renewed annually. Type A licenses prohibit sales of commercial cannabis products to persons under the age of 21 and do not allow persons under 21 to be on licensed premises.

Security Provisions for Commercial Cannabis Operations

A commercial cannabis operation will be required to implement sufficient security measures to

deter and prevent the unauthorized entrance into areas containing cannabis or cannabis products and to deter and prevent the theft of cannabis or cannabis products at the commercial cannabis operation. The specific security measures are required to be identified in the operations plan, which is subject to review and approval by the City, including the Police Department. Compliance with the operations plan will be always required during operation as a condition of approval of the CUP. Security provision requirements are included in the Zoning Code Section 12.300.100 "Security" (see Attachment 1).

Taxes

Taxes for Commercial Cannabis Operations

In November 2020, San Bruno voters approved a ballot measure imposing up to a 10% tax on the gross revenues of any commercial cannabis activity that the city ultimately allows. The tax will apply in addition to the general business license tax imposed by the city. The City Council can adopt a lower tax rate without requiring voter approval. An increase above 10 percent would require voter approval. The text of the adopted ordinance is as follows:

"This Ordinance may be amended by the City Council in any respect without a vote of the people. Specifically, the City Council may reduce the rate of the tax set forth herein, may create exemptions to the tax, and may create special procedures for the collection of the tax (including, but not limited to, requiring that the tax be paid in advance or that the tax be payable as often as monthly). The City Council may, without a vote of the people, adjust the rate of the tax so long as no cannabis business is subject to a cannabis business tax that is higher than a maximum rate of 10% of Gross Receipts. However, as required by the California Constitution, the City Council may not raise the rate of the tax above that maximum rate unless such increase is approved by the voters."

In 2020, when evaluating the potential to place this ballot measure before San Bruno voters, the City Council was advised by cannabis consultant HdL that there are a variety of barriers to entry in locations where no cannabis businesses already exist including: 1) the permitting fees established by local cost recovery ordinances, 2) the lack of authorized banking services in the state, 3) the continued existence of a robust underground business that is not taxed, and 4) the reticence of both foreign and US investors and property owners to invest in a business whose product is still illegal to possess under federal law. Staff reviewed local municipality cannabis projected annual revenues (and obtained actual revenue figures, where available) where commercial cannabis activities are permitted, and found that they range from less than \$100,000 (in South San Francisco, which has two licensed commercial cannabis operations), +\$200,000 (in Redwood City, with four licensed operations), to a 2021 annual program income of \$572,000 (in Pacifica, which has five licensed operations, including "legacy" operations which preceded recent state enabling cannabis law).

Retail cannabis sales include a state excise tax (15% tax to purchaser), sales tax for non-medicinal products (7.25-10.25%) and may include an additional local tax. Due to the high tax burden on the cannabis industry, local jurisdictions should consider the implications of setting high local taxes on cannabis sales. While it is desirable to have a high tax rate to generate local revenue, taxes that are too high may serve as a deterrent to businesses wishing to locate in a particular jurisdiction. As a result, businesses may choose to locate in adjacent jurisdictions with a lower local tax rate. Local cannabis business tax rates vary for nearby jurisdictions, ranging from 3% (Brisbane) to 6% (Pacifica and Half Moon Bay) on retail sales, while approved

local tax rates in California range more widely, from 2 to 20%. The Ordinance introduced by the City Council on September 27, 2022 includes a 5% tax rate on both retail and distribution facilities.

FISCAL IMPACT:

There is no fiscal impact from the adoption of the ordinances. There would be an undetermined net positive fiscal impact if new commercial cannabis businesses locate in the city.

ENVIRONMENTAL IMPACT:

The adoption of the ordinances do not have the potential for creation of a significant environmental impact pursuant to the California Environmental Quality Act (CEQA), and as such are exempt from further environmental consideration per CEQA Guidelines Section 15061(b)(3).

RECOMMENDATION:

Waive Second Reading and Adopt the Following Ordinances of the City of San Bruno:

- An Ordinance of the City of San Bruno Amending Article III (Zoning) of Title 12 (Land Use) of the Municipal Code by Adding Chapter 12.300 to Authorize Commercial Cannabis Retailers (Storefront Sales) in the Transit Corridors Plan Area CBD, MX-R, TOD-1, TOD-2, and PD Zones and in the PD Zones for the Shops at Tanforan, and Cannabis Distribution Facilities in the M-1 Zone, and Making a Finding of Exemption Under CEQA
- An Ordinance of the City of San Bruno Amending Title 3 (Revenue and Finance) of the Municipal Code to Lower the Tax Imposed on Cannabis Businesses, Amending Title 4 (Licenses and Regulations) to Add a New Chapter Pertaining to Commercial Cannabis Operators Permits, and Amending Title 6 (Public Peace, Morals and Welfare) to Eliminate the Prohibition on Commercial Cannabis Activity in the City, and Making a Finding of Exemption Under CEQA

ALTERNATIVES:

Direct staff to make modifications to one or both of the Ordinances; substantive modifications will require re-introduction at a subsequent meeting.

ATTACHMENTS:

1. Ordinance Amending Chapter 12.300
2. Ordinance With Municipal Code Amendments

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF SAN BRUNO AMENDING ARTICLE III (ZONING) OF TITLE 12 (LAND USE) OF THE MUNICIPAL CODE BY ADDING CHAPTER 12.300 TO AUTHORIZE COMMERCIAL CANNABIS RETAILERS (STOREFRONT SALES) IN THE TRANSIT CORRIDORS PLAN AREA C-B-D, MX-R, TOD-1, TOD-2, AND PD ZONES AND IN THE PD ZONES FOR THE SHOPS AT TANFORAN MALL, AND CANNABIS DISTRIBUTION FACILITIES IN THE M-1 ZONE, AND MAKING A FINDING OF EXEMPTION UNDER CEQA

THE CITY COUNCIL OF THE CITY OF SAN BRUNO DOES ORDAIN AS FOLLOWS:

Section 1. Based on the facts in the Staff Report, written and oral testimony, and exhibits presented, the City Council hereby makes the following findings of facts in support of the proposed Municipal Code amendments regarding establishment of commercial cannabis storefront sales and distribution operations:

1. The zoning code amendments were considered by the San Bruno Planning Commission on July 19, 2022 and August 6, 2022 at duly noticed public hearings. At the conclusion of the August 6, 2022 public hearing, the Planning Commission adopted Resolution No. 2022-10 recommending that the City Council adopt the zoning code amendments allowing for establishment of commercial cannabis storefront sales and cannabis distribution facilities as conditionally permitted uses in certain zones in the City. The Planning Commission also recommended that (1) Bayhill and the Towne Center be included as sites where cannabis retailers are conditionally permitted uses, and (2) that the ordinance be revised to remove the requirement that “mosquitos” (i.e., sound emitting devices) be used on the site of a commercial cannabis operation
2. A notice of public hearing was duly posted for consideration of this proposed ordinance at the City of San Bruno City Council meeting of September 27, 2022, and on said date, the public hearing was opened, held and closed.
3. The proposed ordinance is consistent with the General Plan of the City of San Bruno, including the following goals and policies:

LUD-A: Promote development of El Camino Real as a boulevard with a series of “districts”, with distinctive uses weaved together with unified streetscape, sidewalk improvements, and pedestrian amenities. Encourage residential development to promote walkability and transit use.

LUD-C: Stimulate reuse and intensification with multi-use, transit-oriented development along El Camino Real, San Bruno Avenue, and San Mateo Avenue. Provide amenities serving pedestrians, bicyclists, and transit riders along these corridors.

LUD-D: Promote Downtown as the civic and cultural center of San Bruno, based on expansion of the ethnically diverse array of businesses and restaurants. Foster a vibrant, continuous, pedestrian-oriented mix of land uses within Downtown. Increase the market

supporting Downtown through new mixed-use opportunities, including housing above the ground floor.

LUD-17: Encourage new development in Downtown to accommodate small retail shops, with larger anchor stores at the northern and southern gateways.

LUD-47: Allow high-intensity mixed-use development – including retail, offices, services, and housing – along San Bruno Avenue, between Elm Avenue and Huntington Avenue.

ED-A: Maintain a positive business climate within San Bruno, including resources for business attraction and expansion.

ED-B: Provide development opportunities that allow for establishment of jobs within San Bruno, commensurate with local residents' education and skills.

ED-C: Capture the entire spectrum of retail sales and services within San Bruno, from regional uses in The Shops at Tanforan to Downtown commercial uses.

ED-1: Improve the image of San Mateo Avenue in Downtown as an appealing commercial street to shop, dine, and conduct business.

4. The proposed ordinance has been reviewed according to the standards and requirements of the California Environmental Quality Act (CEQA) and the San Bruno environmental review procedures and is determined to be exempt pursuant to Section 15061(b)(3) of the CEQA Guidelines.
5. The proposed ordinance to establish provisions for commercial cannabis storefront sales and distribution uses will not be detrimental to the health, safety, morals, comfort and general welfare of the Citizens of San Bruno.

Section 2. Article III (Zoning) of Title 12 (Land Use) of the Municipal Code is hereby amended by adding Chapter 12.300 to read as follows:

“12.300 COMMERCIAL CANNABIS OPERATIONS

12.300.010 Purpose and Intent

It is the purpose and intent of the City Council to regulate commercial cannabis operations consistent with state law and to protect the health, safety, and welfare of the residents of the city. The regulations in this chapter do not interfere with a qualified patient's right to obtain and use cannabis as authorized under state law, nor do they criminalize the possession or cultivation of cannabis by certain individuals as authorized under state law. Commercial cannabis operations shall comply with all provisions of the San Bruno Municipal Code, state law, and all other applicable local codes and regulations, including all applicable land use and zoning regulations imposed on commercial cannabis operations. It is neither the intent of this chapter to condone or legitimize the illegal use or consumption of cannabis under federal, state, or local law, nor to authorize the operation of a legal business in an illegal manner.

12.300.020 Definitions

As used in this chapter, the following words and phrases shall have the following meanings, unless otherwise specified:

Cannabis means all parts of the plant *Cannabis sativa* Linnaeus, *Cannabis indica*, or *Cannabis ruderalis*, whether growing or not; the seeds thereof; the resin, whether crude or purified, extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or resin. “Cannabis” also means the separated resin, whether crude or purified, obtained from cannabis. “Cannabis” does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks (except the resin extracted therefrom), fiber, oil, or cake, or the sterilized seed of the plant which is incapable of germination. For the purpose of this division, “cannabis” does not mean “industrial hemp” as defined by Section 11018.5 of the Health and Safety Code.

Cannabis distribution facility means a business that is authorized to engage in the distribution of cannabis and cannabis products without having a cannabis retailer component.

Cannabis retailer means any establishment which engages in the retail sale of cannabis for adult-use purposes.

Cannabis Operator means an interested person who has obtained a Commercial Cannabis Operator Permit and has a commercial cannabis operation.

Cannabis products has the same meaning as in Section 11018.1 of the Health and Safety Code.

City Manager means the city manager and/or their designee.

Commercial cannabis activity includes the cultivation, possession, manufacture, distribution, processing, storing, laboratory testing, packaging, labeling, transportation, delivery, or sale of cannabis and cannabis products.

Commercial cannabis operation means a cannabis retailer or cannabis distribution facility.

Commercial Cannabis Operator Permit means a permit issued by the City of San Bruno pursuant to this chapter to a commercial cannabis operation.

Conditional use permit means a zoning approval issued by the City Council pursuant to the Zoning Code to a commercial cannabis operation.

Day care center has the same meaning as set forth in Section 1596.76 of the Health and Safety Code.

Director means the Director of Community and Economic Development.

Distribution means the procurement, sale, and transport of cannabis and cannabis products between State licensed cannabis businesses.

Hazardous materials include any hazardous substance regulated by any federal, state, or local laws or regulations intended to protect human health or the environment from exposure to such substances.

Interested persons means any of the following:

- (1) Any individual that has an aggregate ownership interest, other than a security interest, lien, or encumbrance, of twenty percent or more in the commercial cannabis operation;
- (2) Partners, officers, directors, and stockholders of every corporation, limited liability company, or general or limited partnership that owns at least twenty percent of the commercial cannabis operation or that is one of the partners in the commercial cannabis operation;

- (3) The chief executive officer of a nonprofit or other entity, or a member of the board of directors of a nonprofit; and
- (4) A manager or an individual who will be participating in the direction, control, or management of the commercial cannabis operation.

Juvenile means any natural person who is under the age of eighteen years.

Manager means a person or persons with responsibility for the establishment, registration, supervision, or oversight of the operation of a commercial cannabis operation, including, but not limited to, a person who performs the functions of a board member, director, officer, owner, operating officer, or manager of the commercial cannabis operation.

MAUCRSA means the Medicinal and Adult Use Cannabis Regulation and Safety Act, codified in Business and Professions Code section 26000 et seq., as the same may be amended from time to time.

Park means a playground or recreational area specifically designed to be used by children which has play equipment installed, including public grounds designed for athletic activities such as baseball, softball, soccer, or basketball or any similar facility located on a public or private school grounds, or on City, county, or state parks. Park does not include small “pocket parks,” such as Posy Park.

Public Library a building or room operated by a government entity containing collections of books, periodicals, and sometimes films and recorded music for people to read, borrow, or refer to. A public library may also provide digital or computer resources.

School means any school providing instruction in kindergarten or any grades I through 12, (whether public, private, or charter, including pre-school, transitional kindergarten, and K-12).

Sensitive uses mean a day care center, public library, park, school or youth center, as defined herein. **Staff** means a person other than a manager who works or provides services on the site of a commercial cannabis operation, whether as an employee, contractor, or volunteer.

Youth center has the same meaning as Section 11353.1 of the Health and Safety Code that includes the following:

1. A public or private facility that is primarily used to host recreation or social activities for minors, including, but not limited to:
 - a. Private youth membership organizations or clubs,
 - b. Social service teenage club facilities,
 - c. Video arcades where 10 or more video games or game machines or devices are operated, and where minors are legally permitted to conduct business, or
 - d. Similar amusement park facilities.

The public or private facility must be used for youth activities at least 60 percent of the time in a calendar year.

2. A youth center shall not include any private martial arts, yoga, ballet, music, art studio or similar studio of this nature nor shall it include any private gym, athletic training facility, pizza parlor, dentist office, doctor's office primarily serving children or a location which is primarily utilized as an administrative office or facility for youth programs or organizations.

12.300.030 Prohibitions

Except as expressly authorized pursuant to this Title 12, all commercial cannabis activity is prohibited in the City.

12.300.040 Permits and approvals required.

A. Conditional Use Permit. Every property for which a commercial cannabis operation is proposed to be established, maintained, operated, or conducted in the City shall obtain a conditional use permit pursuant to Chapter 12.112.

B. Commercial Cannabis Operator Permit. Every person who proposes to establish, maintain, operate, or conduct a commercial cannabis operation in the City shall obtain a commercial cannabis operator permit pursuant to Chapter 4.70. A commercial cannabis operator permit shall not be issued until a conditional use permit has been obtained by the commercial cannabis operation.

C. Business License. Every person who proposes to establish, maintain, operate, or conduct a commercial cannabis operation in the City shall obtain a business license.

D. State License. Every person who proposes to establish, maintain, operate, or conduct a commercial cannabis operation in the City and every property for which a commercial cannabis operation is proposed to be established, maintained, operated, or conducted shall obtain all state licenses for the activity to be conducted.

E. Operations Plan. Before commencing a commercial cannabis operation, the business shall submit an operations plan to the Director for approval by the Director. The operations plan shall address the following: the security measures that will be implemented to protect the customers and employees as well as the general community; water preservation; financial record keeping; procedures for safely and securely storing and transporting cannabis and cannabis products, and any hazardous materials that may be used by the business; how currency will be stored and taken off-site; any other information requested by the Director.

F. Duty to Maintain Copies of All Permits, Licenses, Permits and Conditions of Approval. A copy of the conditional use permit, commercial cannabis operator permit, business license, State License or other permit or license required by the City, County, or State for the establishment of a commercial cannabis operation shall be maintained on site along with all conditions of approval associated thereof. Such permits may be inspected from time to time by City, County or State representatives or law enforcement personnel and shall be furnished immediately upon request. The on-site manager, in addition to the property owner, business owner, or representative shall be responsible for ensuring compliance with all applicable codes, permits, licenses, and conditions of approval.

12.300.050 Compliance with State and Local Laws and Regulations.

It is the responsibility of the owners and/or operators of any commercial cannabis operation within the City to ensure that the business operates in a manner compliant with this Chapter, all applicable State and local law, and any other regulations promulgated thereunder, including but not limited to the MAUCRSA and regulations promulgated the Department of Cannabis Control.

12.300.060 Additional Procedures and Findings for Approval of Conditional Use Permit for Cannabis Operations.

A. A conditional use permit for any cannabis operation shall be processed in accordance with the procedures set forth in Chapter 12.112, Conditional Use Permits, with the following revisions:

1. The Planning Commission shall be the recommending body with the City Council being the final approving authority on which commercial cannabis operations obtain a conditional use permit.

2. In addition, to the findings set forth in Section 12.112.050, the Planning Commission and City Council must make the following findings:

a. Whether the use would fully comply with the operational regulations set forth in Chapter 4.70;

b. Whether the use would enhance the economic viability of the area in which it is proposed to be located;

c. Whether the applicant has adequately addressed potential community benefits of the use to offset the potential adverse impacts;

d. The extent of the support or opposition to the proposed use and location from members of the community;

e. The extent to which the proposed use would cause a further overconcentration of the particular type of commercial cannabis operation in the area;

f. The background and history of the applicant, including the nature and extent of problems on any premises where the applicant has operated a commercial cannabis operation in the past;

g. Whether there is a history of police or crime-related problems in the vicinity of the proposed location; and

h. Whether the proposed use would enhance recreational or entertainment opportunities in the area.

B. Any conditional use permit for a cannabis operation shall comply with the California Environmental Quality Act ("CEQA"). No conditional use permit for any cannabis operation shall be granted until the requisite CEQA review has been conducted.

12.300.070 Development Standards.

All commercial cannabis operations shall comply with the following requirements, and the following applicable requirements of this Section shall be deemed conditions of all cannabis conditional use permit approvals. The Planning Commission and/or City Council may also impose any other development standards that do not conflict with the standards set forth below. Failure to comply with applicable requirement contained in this Code shall be grounds for revocation of any permit issued in compliance with this Code.

A. Underlying Zone Standards. The establishment of a commercial cannabis operation shall comply with all applicable City zoning site development standards of the zone in which the commercial cannabis operation is located, the building and construction codes, maximum occupancy loads, fire codes, and health and safety regulations in effect in the City, except as explicitly modified by this chapter. Non-conforming uses or properties must be brought into

conformity with all applicable standards including, but not limited to, parking, landscaping, and signage.

B. Permitted Locations. Commercial cannabis operations shall only be permitted in the following zones:

1. Cannabis retailers shall be permitted only in:
 - a. The following Transit Corridors Plan areas: (i) the Central Business District (CBD), (ii) the Transit Oriented Development - Medium Density Mixed-Use District (TOD-1), (iii) the Transit Oriented Development - High Density Mixed-Use District (TOD-2), (iv) Planned Development District (P-D) for Mills Park, and (v) Planned Development District (P-D) for 111 San Bruno Avenue.
 - b. The Multi Use - Residential Focus District (MX-R)
 - c. The Planned Development District P-D) for the Shops at Tanforan Mall.
2. One cannabis distribution facility shall be permitted only in the M-1 zone and limited to the geographic area located north of San Bruno Avenue and east of El Camino Real.

C. Maximum Number. A maximum of four commercial cannabis operations shall operate in the City, with any combination of cannabis retailers (up to three) or cannabis distribution facilities (up to one) as long as the total number does not exceed four.

D. Proximity to Sensitive Uses. No commercial cannabis operation shall be established or located within 600 feet of sensitive uses. The distance between any commercial cannabis operation and any sensitive uses shall be measured in a straight line, without regard to the boundaries of the City and intervening structures, from the nearest property line of the site containing the commercial cannabis operation to the nearest property line of the sensitive uses. In the case of The Shops at Tanforan, the distance shall be measured from the perimeter of any individual lease space or store.

12.300.080 Cannabis Distribution Facility.

A. Transportation safety standards, in addition to those imposed by the State of California, shall be approved by the Director including without limitations, the type of vehicles in which cannabis or cannabis product may be distributed, and minimal qualification for persons eligible to operate such vehicles.

B. A list of the make, model and license plate of all vehicles used for distribution shall be registered with the Police Department before a vehicle may be used to transport cannabis and cannabis products.

C. A person conducting distribution shall comply with requirements of Business and Professions Code Section 26070 (sections c through n, inclusive), as the same may be amended from time to time.

D. No cannabis distribution facility shall conduct or permit to be conducted any retail sales of cannabis or cannabis goods or services to the general public on or from the business site.

12.300.090 Cannabis Retailers.

A. A cannabis retailer shall have a building with a main entrance that is clearly visible from the public street, sidewalk, or public parking lot. Inside of the main entrance, there shall be a lobby or other receiving area satisfactory to the City to receive persons into the site and to verify whether they are allowed in the retail customer areas. All entrances into the building shall be secured at all times with entry controlled by the cannabis retailer's managers and staff.

B. If the cannabis retailer will conduct sales by delivery, each building shall have an area designed for the secure transfer of cannabis from the business to the delivery vehicle. Delivery drivers shall be accompanied by a security escort during the transfer of cannabis from the business to the delivery vehicle.

C. Each building that will be used for storing cannabis or cannabis products as part of cannabis retailer shall have adequate storage space separated from the main entrance and lobby, and shall be secured by a lock accessible only to managers and staff of the cannabis retailer.

D. Cannabis retailers shall verify the age and all necessary documentation of each individual to ensure the customer is not a juvenile. Cannabis retailers shall verify that all customers are 21 years of age or older for the purchase of cannabis or cannabis products.

E. Individuals must show their government-issued identification in order to gain access into the cannabis retailer. A cannabis retailer shall only sell cannabis and cannabis products to individuals who are at least 21 years of age.

F. Cannabis retailers may have only that quantity of cannabis and cannabis products to meet the daily demand readily available for sale on-site in the retail sales area of the cannabis retailer. Additional product may be stored in a secured, locked area to which customers, vendors, and visitors shall not have access.

G. All restroom facilities shall remain locked and under the control of management.

H. The cannabis retailer shall notify patrons of the following through posting of a sign in a conspicuous location:

1. Secondary sale, barter or distribution of cannabis is a crime and can lead to arrest.

2. Loitering on and around the cannabis retailer is prohibited by California Penal Code § 647(e) and patrons must immediately leave the site after purchasing cannabis or cannabis goods and not consume cannabis in the vicinity of the cannabis retail site or on the property or in the parking lot.

3. A warning that patrons may be subject to prosecution under federal cannabis laws.

4. That the use of cannabis may impair a person's ability to drive a motor vehicle or operate machinery.

I. Cannabis retailers shall only serve customers who are within the permitted premises, or at a delivery address that meets the following requirements:

1. The sale and delivery of cannabis goods shall not occur through a pass-through window or a slide-out tray to the exterior of the premises.
2. Cannabis retailers shall not operate as or with a drive-in or drive-through at which cannabis goods are sold to persons within or about a motor vehicle.
3. No cannabis goods shall be sold and/or delivered by any means or method to any person within a motor vehicle.
4. All cannabis goods sold by a retail business shall be contained in child-resistant packaging.

J. Cannabis retailers shall record point-of-sale areas and areas where cannabis goods are displayed for sale on the video surveillance system. At each point-of-sale location, camera placement must allow for the recording of the facial features of any person purchasing or selling cannabis goods, or any person in the retail area, with sufficient clarity to determine identity.

K. Prior to commencing delivery operations, a cannabis retailer shall provide the following information to the City:

1. Proof of ownership of the vehicle or a valid lease for any and all vehicles that will be used to deliver cannabis or cannabis products.
2. The year, make, model, color, license plate number, and numerical Vehicle Identification Number (VIN) for any and all vehicles that will be used to deliver cannabis goods.
3. Proof of insurance for any and all vehicles being used to deliver cannabis goods.
4. The cannabis retailer shall provide the City with the information required by this section in writing for any new vehicle that will be used to deliver cannabis goods prior to using the vehicle to deliver cannabis goods. The cannabis retailer shall provide the City with any changes to the information required by this section in writing within thirty (30) calendar days.

12.300.100 Security.

A. A commercial cannabis operation shall implement sufficient security measures to deter and prevent the unauthorized entrance into areas containing cannabis or cannabis products and to deter and prevent the theft of cannabis or cannabis products at the commercial cannabis operation. The specific security measures shall be identified in the operations plan. Except as may otherwise be determined by the Director these security measures shall include, but shall not be limited to, all of the following:

1. Perimeter fencing and exterior lighting systems (including motion sensors) for after-hours security as approved by the Director were applicable.
2. Preventing individuals from remaining on the premises of the commercial cannabis operation if they are not engaging in an activity directly related to the permitted operations of the commercial cannabis operation. In cases in which the individual will not voluntarily leave the premises, the cannabis employee shall contact the Police Department.
3. Establishing limited access areas accessible only to authorized commercial

cannabis operation personnel.

4. All finished cannabis goods at a commercial cannabis operation shall be stored in a secured and locked vault or vault-equivalent during non-operating hours. All safes and vaults used to store cash and/or cannabis goods shall be burglary-resistant and fire-resistant. All cannabis and cannabis products, including live clone plants that are being sold, shall be kept in a manner as to prevent diversion, theft, and loss.

5. Sensors shall be installed to detect entry and exit from all secure areas and shall be monitored in real time by a security company licensed by the State of California Bureau of Security and Investigative Services.

6. Panic buttons shall be installed with direct notification to the Police Department dispatch and shall be configured to immediately alert dispatch for the Police Department.

7. A professionally installed, maintained, and monitored real-time alarm system shall be installed by a security company licensed by the State of California Bureau of Security and Investigative Services. The commercial cannabis operation shall maintain up-to-date records and existing contracts on the premises that describe the location and operation of each security alarm system, a schematic of security zones, the name of the licensed alarm company, and the name of any vendor monitoring the premises.

8. A commercial cannabis operation shall only use commercial-grade, nonresidential door locks.

9. Any security measures, such as bars, installed on the windows or the doors of the commercial cannabis operation shall be installed only on the interior of the building.

10. Security personnel shall be on-site 24 hours a day and must have a verified response security patrol when closed. Security personnel must be licensed by the State of California Bureau of Security and Investigative Services personnel and shall be subject to the prior review and approval of the Police Chief, with such approval not to be unreasonably withheld.

11. A commercial cannabis operation shall have the capability to remain secure during a power outage and shall ensure that all access doors are not solely controlled by an electronic access panel to ensure that locks are not released during a power outage.

12. Entrance areas are to be locked at all times and under the control of a designated responsible party that is either; (a) an employee of the commercial cannabis operation; or (b) a licensed security professional.

13. Each commercial cannabis operation shall have an accounting software system in place to provide point of sale data as well as audit trails of both product and cash, where applicable.

14. Each commercial cannabis operation shall demonstrate to the Police Chief, City Manager or their designees, compliance with the state's track and trace system for cannabis and cannabis products.

15. Exterior vegetation shall be planted, altered and maintained in a fashion that precludes its use as a hiding place for persons on the premises.

16. Emergency access and emergency evacuation plans that are in compliance with state and local fire safety standards.

17. Installation of “mosquitos” (high-pitch frequency devices) as a deterrent to vandalism/loitering.

B. The commercial cannabis operation shall install a 24-hour security video surveillance cameras of at least high-definition (HD) quality with a night vision capability, and must record in color. The video surveillance system shall meet the following requirements and shall be included in the operations plan:

1. All entrances and exits to and from the commercial cannabis operation must be monitored by the video surveillance system. All entrances and exits to the commercial cannabis operation shall be recorded from both indoor and outdoor vantage points.

2. For cannabis retailers, all interior spaces within the commercial cannabis operation which are open and accessible to the public, all interior spaces where cannabis, cash, or currency, is being stored for any period of time on a regular basis and all interior spaces where diversion of cannabis could reasonably occur must also be monitored by the video surveillance system.

3. All exterior cameras shall be in weather-proof enclosures, shall be located so as to minimize the possibility of vandalism, and shall have the capability to automatically switch to black and white in low light conditions.

4. Video shall be of sufficient quality for effective prosecution of any crime found to have occurred on the site of the commercial cannabis operation and shall be capable of enlargement via projection or other means.

5. The video security system must be compatible with software and hardware utilized by the City as determined by the Police Chief and set forth in the operations plan.

6. Surveillance video must be recorded to a device that is securely located on the premises and all footage must be maintained for a minimum of 90 days. The video surveillance system specifications must be set forth in the operations plan before the City issues a certificate of occupancy for the facility.

7. All video surveillance systems must be equipped with a failure notification system that provides prompt notification to the commercial cannabis operation of any prolonged surveillance interruption and/or the complete failure of the surveillance system.

8. A commercial cannabis operation is responsible for ensuring that all surveillance equipment is properly functioning and maintained so that the playback quality is suitable for viewing and the surveillance equipment is capable of capturing the identity of all individuals and activities in the monitored area. All video surveillance equipment shall have sufficient battery backup to support a minimum of 4 hours of recording in the event of a power outage.

9. Camera placement shall be capable of identifying activity occurring within 20 feet of all points of ingress and egress and shall allow for the clear and certain identification of any

individual and activities at the commercial cannabis operation.

10. The video surveillance system shall be capable of recording all pre-determined surveillance areas in any lighting conditions.

11. Areas in which cannabis is stored shall have camera placement in the room at a height that provides a clear, unobstructed view of activity without sight blockage from lighting hoods, fixtures, or other equipment.

12. Cameras shall also be placed at each location where weighing, packaging, transport, preparation, or tagging activities occur.

13. At least one camera must be dedicated to record the access points to the secured surveillance recording area.

C. Each commercial cannabis operation shall identify a designated security representative/liaison to the City, who shall be reasonably available to meet with the City Manager regarding any security related measures and/or operational issues. The designated security representative/liaison shall maintain a copy of the current operations plan, that shall include a security plan, on the premises of the business, to present to the City Manager upon request that meets the following requirements:

1. Confirms that a designated manager will be on duty during business hours and will be responsible for monitoring the behavior of employees.

2. Identifies all managers of the commercial cannabis operation and their contact phone numbers.

3. Confirms that first aid supplies and operational fire extinguishers are located in the service areas and the Manager's office.

4. Confirms that burglar, fire, and panic alarms are operational and monitored by a licensed security company 24 hours a day, seven days a week, and provides contact information for each licensed security company.

5. Identifies a sufficient number of licensed, interior, and exterior security personnel who will monitor individuals inside and outside the commercial cannabis operation, the parking lot, any adjacent property under the commercial cannabis operation's control, and ensure that the parking lot is cleared of employees and their vehicles one-half hour after closing.

D. The commercial cannabis operation shall cooperate with the City whenever the City Manager makes a request to inspect or audit the effectiveness of any security plan or of any other requirement of this Chapter.

E. A commercial cannabis operation shall notify the City Manager within twenty-four (24) hours after discovering any of the following:

1. Significant discrepancies identified during inventory. The level of significance shall

be determined by the regulations promulgated by the City Manager.

2. Diversion, theft, loss, or any criminal activity involving the commercial cannabis operation or any agent or employee of the commercial cannabis operation.

3. The loss or unauthorized alteration of records related to cannabis, customers or employees or agents of the commercial cannabis operation.

4. Any other breach of security.

F. Compliance with the foregoing requirements shall be verified by the City Manager prior to commencing business operations. The City Manager may supplement these security requirements once operations begin.

12.300.110 Additional Performance Standards.

A. Restriction on Alcohol and Tobacco Sales or Consumption. A commercial cannabis operation shall not allow the sale, dispensing, or consumption of alcoholic beverages or tobacco on the premises of the commercial cannabis operation.

B. Restriction on Cannabis Consumption. A commercial cannabis operation shall not allow the consumption of cannabis or cannabis products on the premises of the commercial cannabis operation.

C. Graphics. No cannabis or cannabis products or graphics depicting cannabis or cannabis products shall be visible from the exterior of the commercial cannabis operation, or on any of the vehicles owned or used as part of the commercial cannabis operation.

D. Storage. No outdoor storage of cannabis or cannabis products is permitted at any time.

E. Emergency Contact. Each commercial cannabis operation shall provide the City Manager with the name, telephone number (both land line and mobile, if available) of an on-site employee or owner to whom emergency notice can be provided at any hour of the day.

F. Signage and Notices.

1. In addition to the requirements otherwise set forth in this section, business identification signage for a commercial cannabis operation shall conform to the requirements of Chapter 12.104, including, but not limited to, seeking the issuance of a City sign permit.

2. No signs placed on the premises of a commercial cannabis operation shall obstruct any entrance or exit to the building or any window.

3. Each entrance to a commercial cannabis operation shall be visibly posted with a clear and legible notice indicating that smoking, ingesting, or otherwise consuming cannabis on the premises or in the areas adjacent to the commercial cannabis operation is prohibited.

4. Business identification signage shall be limited to that needed for identification only and shall not contain any logos or information that identifies, advertises, or lists the services or the products offered. No commercial cannabis operation shall advertise by having a person holding a sign and advertising the business to passersby, whether such person is on the premises of the commercial cannabis operation or elsewhere including, but not limited to, the public right-of-way.

5. Signage shall not depict any image of cannabis or cannabis products. No banners, flags, snipe signs, billboards, or other prohibited signs may be used at any time.

G. Cleanliness. All exterior areas of any commercial cannabis operation, including the building, landscaping, and parking areas, shall be maintained in a clean and orderly manner free of trash, weeds, and debris.

H. Lighting. A commercial cannabis operation shall comply with the City's lighting standards including, without limitation, fixture type, wattage, illumination levels, shielding, and secure the necessary approvals and permits as needed. The commercial cannabis operation shall ensure that minimum lighting levels in exterior building and parking lot areas are adequate for the safe operation of vehicles and other modes of travel. A commercial cannabis operation shall submit an exterior lighting plan that includes a photometric survey of proposed light standards, heights, fixtures, light sources, spacing and shielding.

I. Noise. A commercial cannabis operation shall comply with all applicable standards of Chapter 6.16.

J. Odor Control. Odor control devices and techniques shall be incorporated in all commercial cannabis operations to ensure that odors from cannabis are not detectable off-site. Commercial cannabis operations shall provide a sufficient odor absorbing ventilation and exhaust system so that odor generated inside the commercial cannabis operation that is distinctive to its operation is not detected outside of the commercial cannabis operation, anywhere on adjacent property or public rights-of-way, on or about the exterior or interior common area walkways, hallways, breezeways, foyers, lobby areas, or any other areas available for use by common tenants or the visiting public, or within any other unit located inside the same building as the commercial cannabis operation. Failure to control odors from being detectable from outside the commercial cannabis operation shall constitute a public nuisance and shall be grounds for suspension or revocation of the cannabis conditional use permit. As such, commercial cannabis operations must install and maintain the following equipment, or any other equipment which the Director or his/her designee(s) determine is a more effective method or technology:

1. An exhaust air filtration system with odor control that prevents internal odors from being emitted externally; and

2. An air system that creates negative air pressure between the commercial cannabis operation's interior and exterior, so that the odors generated inside the commercial cannabis operation are not detectable on the outside of the commercial cannabis operation.

- K. Management. A manager with operational authority shall be on the premises during all times the use is operating and must be included on the associated commercial cannabis operation permit.
- L. Cannabis Waste. All waste and disposal containers shall be stored in a secure area, and under the control of the commercial cannabis operation's staff.
- M. Windows. All windows of the commercial cannabis operation shall be secured.
- N. Copies of State Permits. The applicant shall provide the City with copies of all applications, plans and security plans submitted to the State for a State License.
- O. Parking. On-site parking shall be provided as determined by the Director based on the operation of the facility.
- P. The Planning Commission and/or City Council may also impose any other performance standards that do not conflict with the standards set forth in this chapter.

12.300.120 Promulgation of Regulations, Standards and Other Legal Duties.

- A. In addition to any regulations adopted by the City Council, the City Manager is authorized to establish any additional rules, regulations and standards governing the issuance, denial or renewal of conditional use permits, the ongoing operation of a commercial cannabis operation and the City's oversight, or concerning any other subject determined to be necessary to carry out the purposes of this Chapter.
- B. Regulations shall be published on the City's website.
- C. Regulations promulgated by the City Manager shall become effective upon date of publication. Commercial cannabis operations shall be required to comply with all state and local laws and regulations, including but not limited to any rules, regulations or standards adopted by the City Manager.

12.300.130 Limitations on City's Liability.

- A. To the fullest extent permitted by law, the City does not assume any liability whatsoever, with respect to approving any permit pursuant to this chapter or the operation of any commercial cannabis operation approved under to this chapter.
- B. As a condition of approval of a permit as provided in this chapter, the applicant or its legal representative shall do the following:
 - 1. Execute an agreement indemnifying the City from any claims, damages, injuries, or liabilities of any kind associated with the operation of the commercial cannabis operation, issuance of a permit to a commercial cannabis operation, or the prosecution of the commercial cannabis operation or its owners, managers, directors, officers, employees, or its qualified patients or primary caregivers for violation of federal or state laws;

2. Maintain insurance in the amounts and of the types that are acceptable to the City Manager or designee; and

3. Reimburse the City for all costs and expenses, including but not limited to legal fees and costs and court costs, which the City may be required to pay as a result of any legal challenge related to the City's approval of a conditional use permit or commercial cannabis operator permit or related to the City's approval of a cannabis activity. The City, at its sole discretion, may participate at its own expense in the defense of any such action, but such participation shall not relieve the applicant of any of the obligations imposed hereunder."

Section 3. Subsection C of Section 12.96.150 (M-1 Industrial district.) of Chapter 12.96 (Establishment of districts) of Article III (Zoning) of Title 12 (Land Use) of the Municipal Code is hereby amended to read as follows, with additions shown in underlined text, with the remainder of Section 12.96.150 remaining unchanged:

"C. Conditional Uses. Conditional uses, conducted entirely within an enclosed structure, subject to obtaining a use permit and architectural review permit, are as follows:

1. Industrial and manufacturing uses that may be obnoxious by reason of the emission of dust, odor, noise, glare or other nuisance, including uses such as the following:

a. Auto-related uses such as vehicle repair and maintenance and gas and service stations;

b. Auto wrecking;

c. Building materials;

d. Contractor yards;

e. Manufacture, handling, or storage of dangerous materials;

f. Lumberyards;

g. Any use which in the opinion of the planning commission is similar to the above conditional uses.

h. Firearm dealers, subject to the limitations set forth by Section [6.08.070](#)(H).

i. Cannabis distribution facilities subject to the provisions of Chapters 4.70 and 12.300."

Section 4. Subsection C of Section 12.96.190 (P-D planned development district.) of Chapter 12.96 (Establishment of Districts) of Article III (Zoning) of Title 12 (Land Use) of the Municipal Code is hereby amended to read as follows, with additions shown in underlined text, with the remainder of Section 152.96.190 remaining unchanged:

“C. Conditional Uses. Any and all compatible land uses consistent with the San Bruno General Plan are conditional uses in a P-D district, provided such use or uses have been designated on a development plan and approved by the planning commission and city council pursuant to the provisions of this section. Conditional uses may be authorized by the approval by the Planning Commission of a planned development permit (PDP). Notwithstanding the foregoing, cannabis retailers are a conditionally permitted use in a P-D district, provided the cannabis retailer obtains the necessary permits pursuant to Chapters 4.70 and 12.300.”

Section 5. Table 12.280-1: Permitted Uses in Mixed-Use Zoning Districts of Section 12.280.020 (Permitted Uses.) of Chapter 12.280 (Mixed-Use Zoning Districts) of Article III (Zoning) of Title 12 (Land Use) of the Municipal Code is hereby amended to add new lines under “Commercial Uses” to read as follows, with the remainder of Table 12.280-1 remaining unchanged:

Land Uses	CBD	TOD-S	TOD-1	TOD-2	CC	MX-R
Commercial Uses	C ⁴	-	C ⁴	C ⁴	-	C ⁴
Cannabis retailer						

Footnote 4: Subject to obtaining the necessary permits pursuant to Chapters 4.70 and 12.300.

Section 6. This ordinance is exempt from CEQA pursuant to CEQA Guidelines Section 15061(b)(3) because it is not a project and there is not a possibility that the ordinance may have a significant effect on the environment.

Section 7. If any section, subsection, clause or phrase of this Ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portion or sections of the Ordinance. The City Council of the City of San Bruno hereby declares that it should have adopted the Ordinance and each section, subsection, sentence, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional.

Section 8. This Ordinance shall take effect and be in force 30 days after its adoption.

Section 9. The City Clerk shall publish this Ordinance according to law.

Rico E. Medina, Mayor

ATTEST:

Vicky Hasha, Deputy City Clerk

APPROVED AS TO FORM

Trisha Ortiz, Interim City Attorney

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I hereby certify that the foregoing Ordinance No.
_____ was introduced on September 27, 2022,
and adopted at a regular meeting of the San Bruno
City Council on __, 2022, by the following vote:

AYES: COUNCILMEMBERS: _____

NOES: COUNCILMEMBERS: _____

ABSENT: COUNCILMEMBERS: _____

RECUSE: COUNCILMEMBERS: _____

Vicky Hasha, Deputy City Clerk

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF SAN BRUNO AMENDING TITLE 3 (REVENUE AND FINANCE) OF THE MUNICIPAL CODE TO LOWER THE TAX IMPOSED ON CANNABIS BUSINESSES, AMENDING TITLE 4 (LICENSES AND REGULATIONS) TO ADD A NEW CHAPTER PERTAINING TO COMMERCIAL CANNABIS OPERATOR PERMITS, AND AMENDING TITLE 6 (PUBLIC PEACE, MORALS AND WELFARE) TO ELIMINATE THE PROHIBITION ON COMMERCIAL CANNABIS ACTIVITY IN THE CITY, AND MAKING A FINDING OF EXEMPTION UNDER CEQA

WHEREAS, the City Council considered options for allowing for commercial cannabis operations in the city at a Study Session held on February 8, 2022. At the conclusion of the Study Session, Council directed staff to proceed with preparation of draft Municipal Code amendments and related operative procedures that would allow up to three commercial cannabis operations consisting of any combination of cannabis retailers (storefront sales) in zoning districts focused on the downtown, along portions of San Bruno Avenue and El Camino Real, and at The Shops at Tanforan, and for distribution uses in the M-1 Zone north of I-380.

WHEREAS, a Notice of Public Hearing was duly posted and noticed for consideration of the ordinance amendment at the City of San Bruno City Council meeting of September 27, 2022, and on said date, the Public Hearing was opened, held and closed.

NOW, THEREFORE, BE IT RESOLVED, that the City Council, based on the facts in the Staff Report, written and oral testimony, and exhibits presented, makes the following findings of facts in support of the proposed Municipal Code amendments regarding establishment of commercial cannabis retailers (storefront sales) and distribution operations:

1. The proposed ordinance is consistent with the General Plan of the City of San Bruno.
2. This Ordinance has been reviewed according to the standards and requirements of the California Environmental Quality Act (CEQA) and the San Bruno environmental review procedures and is Categorically Exempt.
3. The proposed ordinance to establish provisions for commercial cannabis retailers and distribution uses will not be detrimental to the health, safety, morals, comfort and general welfare of the Citizens of San Bruno.

BE IT FURTHER RESOLVED that the City Council of the City of San Bruno approves the following changes to the Municipal Code.

Section 1. Section 3.18.010 (Imposition of tax.) of Chapter 3.18 (Cannabis Business Tax) of Title 3 (Revenue and Taxation Code) of the San Bruno Municipal Code is hereby amended to read as follows, with additions shown in underlined text, with all other provisions of Chapter 3.18 remaining unchanged:

3.18.010 Imposition of tax.

A. Every person engaged in a cannabis business in the city shall pay a cannabis business tax of ten percent of gross receipts.

B. Beginning January 1, 2023, the tax rate for cannabis businesses shall be set at five percent of gross receipts of the cannabis business, unless further amended by the City Council. The City Council may, by further action, increase or lower the tax rate but in no event shall the tax rate be higher than ten percent of gross receipts.

Section 2. Chapter 6.58 (Medical Marijuana Distribution Facilities.) of Title 6 (Public Peace, Morals and Welfare) of the San Bruno Municipal Code is hereby deleted in its entirety.

Section 3. Section 6.59.010 (Definitions.) of Chapter 6.59 (Commercial Cannabis Activities) of Title 6 (Public Peace, Morals and Welfare) of the San Bruno Municipal Code is hereby amended in its entirety to read as follows, with all other provisions of Chapter 6.59 remaining unchanged:

“6.59.010 Definitions.

A. “Cannabis” (also referred to as “marijuana”) shall mean means all parts of the plant Cannabis sativa Linnaeus, Cannabis indica, or Cannabis ruderalis, whether growing or not; the seeds thereof; the resin, whether crude or purified, extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or resin. “Cannabis” also means the separated resin, whether crude or purified, obtained from cannabis. “Cannabis” does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks (except the resin extracted therefrom), fiber, oil, or cake, or the sterilized seed of the plant which is incapable of germination. For the purpose of this division, “cannabis” does not mean “industrial hemp” as defined by Section 11018.5 of the Health and Safety Code.

B. “Commercial cannabis activity” includes the cultivation, possession, manufacture, distribution, processing, storing, laboratory testing, packaging, labeling, transportation, delivery, or sale of cannabis and cannabis products.

C. “Indoor cultivation” shall mean cultivation inside a fully enclosed private residence as defined in Health and Safety Code Section 11362.2(b)(2).

D. “Outdoor cultivation” shall mean any cultivation that is not defined as indoor cultivation as defined in Health and Safety Code Section 11362.2(b)(2).

Section 4. Section 6.59.020 (Prohibition of commercial cannabis activities.) of Chapter 6.59 (Commercial Cannabis Activities) of Title 6 (Public Peace, Morals and Welfare) of the San Bruno Municipal Code is hereby renamed as “Regulation of commercial cannabis activities” and is hereby amended to read as follows with additions shown in underlined text and deletions shown in strikethrough text, with all other provisions of Chapter 6.59 remaining unchanged:

“Section 6.59.020 Regulation of commercial cannabis activities.

Any commercial or industrial use involving ~~cannabis including, but not limited to,~~ the manufacture, processing, laboratory testing, ~~labeling, storing, and wholesale sale of cannabis,~~ distribution and retail is prohibited in every zoning district in the city. However, commercial cannabis uses involving retail (storefront sales) and distribution are allowed pursuant to the permitting provisions outlined in Municipal Code Chapters 4.70 and 12.300. It is unlawful for any person or entity to own, manage, conduct or operate any use involving commercial cannabis

activity except as expressly allowed in this section as herein defined or to participate as an employee, contractor, agent or volunteer, or in any other manner or capacity, in any such prohibited activity in the city.

Section 5. A new Chapter 4.70 is hereby added to Title 4 (Licenses and Regulations) of the San Bruno Municipal Code to read as follows:

“4.70 COMMERCIAL CANNABIS OPERATOR PERMIT

4.70.010 Purpose and intent.

It is the purpose and intent of the City Council to regulate commercial cannabis operations consistent with state law and to protect the health, safety, and welfare of the residents of the city. The regulations in this chapter do not interfere with a qualified patient's right to obtain and use cannabis as authorized under state law, nor do they criminalize the possession or cultivation of cannabis by certain individuals as authorized under state law. Commercial cannabis operations shall comply with all provisions of the San Bruno Municipal Code, state law, and all other applicable local codes and regulations, including all applicable land use and zoning regulations imposed on commercial cannabis operations. It is neither the intent of this chapter to condone or legitimize the illegal use or consumption of cannabis under federal, state, or local law, nor to authorize the operation of a legal business in an illegal manner.

4.70.020 Definitions.

As used in this chapter, the following words and phrases shall have the following meanings, unless otherwise specified:

Cannabis means all parts of the plant *Cannabis sativa* Linnaeus, *Cannabis indica*, or *Cannabis ruderalis*, whether growing or not; the seeds thereof; the resin, whether crude or purified, extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or resin. “Cannabis” also means the separated resin, whether crude or purified, obtained from cannabis. “Cannabis” does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks (except the resin extracted therefrom), fiber, oil, or cake, or the sterilized seed of the plant which is incapable of germination. For the purpose of this division, “cannabis” does not mean “industrial hemp” as defined by Section 11018.5 of the Health and Safety Code.

Cannabis distribution facility means a business that is authorized to engage in the distribution of cannabis and cannabis products without having a cannabis retailer component.

Cannabis retailer means any establishment which engages in the retail sale of cannabis for adult-use purposes.

Cannabis Operator means an interested person who has obtained a Commercial Cannabis Operators Permit and has a commercial cannabis operation.

Cannabis products has the same meaning as in Section 11018.1 of the Health and Safety Code.

City Manager means the city manager and/or their designee.

Commercial cannabis activity includes the cultivation, possession, manufacture, distribution, processing, storing, laboratory testing, packaging, labeling, transportation, delivery, or sale of cannabis and cannabis products.

Commercial cannabis operation means a cannabis retailer or cannabis distribution facility.

Commercial Cannabis Operator Permit or **permit** means a permit issued by the City of San Bruno pursuant to this chapter to a commercial cannabis operation.

Conditional use permit means a zoning approval issued by the City Council pursuant to the Zoning Code to a commercial cannabis operation.

Day care center has the same meaning as set forth in Section 1596.76 of the Health and Safety Code.

Director means the Director of Community and Economic Development.

Distribution means the procurement, sale, and transport of cannabis and cannabis products between State licensed cannabis businesses.

Labor Peace Agreement means an agreement in conformity with Business and Professions Code section 26051.5 whereby the cannabis business agrees not to oppose unionization and the union (who is attempting to organize the workforce) agrees to not strike or otherwise stop work.

Manager means a person or persons with responsibility for the establishment, registration, supervision, or oversight of the operation of a commercial cannabis operation, including, but not limited to, a person who performs the functions of a board member, director, officer, owner, operating officer, or manager of the commercial cannabis operation.

MAUCRSA means the Medicinal and Adult Use Cannabis Regulation and Safety Act, codified in Business and Professions Code section 26000 et seq., as the same may be amended from time to time.

Park means a playground or recreational area specifically designed to be used by children which has play equipment installed, including public grounds designed for athletic activities such as baseball, softball, soccer, or basketball or any similar facility located on a public or private school grounds, or on City, county, or state parks. Park does not include small “pocket parks,” such as Posy Park.

Procedure Guidelines and Review Criteria means the guidelines and criteria established by resolution of the City Council pursuant to Section 4.70.090 for the City’s evaluation of cannabis operator permit applications.

Public Library means a building or room operated by a government entity containing collections of books, periodicals, and sometimes films and recorded music for people to read, borrow, or refer to. A public library may also provide digital or computer resources.

School means any school providing instruction in kindergarten or any grades I through 12, (whether public, private, or charter, including pre-school, transitional kindergarten, and K- 12).

Sensitive uses mean a day care center, public library, park, school or youth center, as defined herein.

Staff means a person other than a manager who works or provides services on the site of a commercial cannabis operation, whether as an employee, contractor, or volunteer.

Youth center has the same meaning as Section 11353.1 of the Health and Safety Code that includes the following:

1. A public or private facility that is primarily used to host recreation or social activities for minors, including, but not limited to:
 - a. Private youth membership organizations or clubs,
 - b. Social service teenage club facilities,
 - c. Video arcades where 10 or more video games or game machines or devices are operated, and where minors are legally permitted to conduct business, or
 - d. Similar amusement park facilities.The public or private facility must be used for youth activities at least 60 percent of the time in a calendar year.

2. A youth center shall not include any private martial arts, yoga, ballet, music, art studio or similar studio of this nature nor shall it include any private gym, athletic training facility, pizza parlor, dentist office, doctor's office primarily serving children or a location which is primarily utilized as an administrative office or facility for youth programs or organizations.

4.70.030 Commercial Cannabis Activities Prohibited Unless Specifically Authorized by this Chapter.

Except as specifically authorized by this Chapter, all commercial cannabis activity is expressly prohibited in the city.

4.70.040 Compliance with State and Local Laws and Regulations.

It is the responsibility of the owners of a commercial cannabis operation to ensure that the business operates in a manner compliant with this Chapter, all applicable state and local laws, and any regulations promulgated thereunder, including but not limited to the MAUCRSA.

4.70.050 Evidence of Cannabis Operator Background Check Required.

- A. Any person who is an owner or manager of a commercial cannabis operation must be legally authorized to do so under applicable state law.
- B. Commercial cannabis operation owners and managers shall be required to submit to a criminal background check.
- C. The City shall conduct criminal background checks which must at a minimum identify the following:
 - (1) Whether the owner has ever been convicted of a violent felony as defined by California Penal Code 667.5 or equivalent offenses in other states;
 - (2) Whether the owner has ever been convicted of a felony for hiring, employing, or using a minor in transporting, carrying, selling, giving away, preparing for sale, or peddling, any controlled substance to a minor; or selling, offering to sell, furnishing, offering to furnish, administering, or giving any controlled substance to a minor; or

- (3) Whether the owner has ever been convicted of a felony for drug trafficking with enhancements pursuant to Section 11370.4 or 11379.8 of the Health and Safety Code.

D. Evidence of a conviction of any the offenses enumerated above shall be grounds for denial of a cannabis operator permit.

4.70.060 Persons Prohibited from Holding a Cannabis Operator Permit.

A. Any person, including but not limited to any individual, firm, partnership, joint venture, association, corporation, limited liability company, estate, trust, business trust, receiver, syndicate, or any other group or combination acting as a unit, shall not be eligible to obtain a cannabis operator permit from the City if any of the following apply:

- (1) A criminal background check demonstrates the applicant has committed any of the crimes identified in Section 4.70.050(C);
- (2) The applicant has been denied a cannabis license or permit, or has had a cannabis license or permit suspended or revoked by any city, county, city and county or any other state cannabis licensing authority, except if a license or permit was denied due to the fact that a limited number of licenses or permits were issued by a local jurisdiction;
- (3) In the past five years, the applicant was notified by the state, county, or city that it was conducting commercial cannabis activity in violation of City ordinances, codes, and requirements, and failed to cure the violation in a timely manner;
- (4) Evidence that the applicant is delinquent in payment of federal, state, or local taxes and/or fees, and took no steps to cure the delinquency when notified by the appropriate agencies;
- (5) The applicant, or any of the officers, directors, owners, managers, or employees of the commercial cannabis operation is under twenty-one (21) years of age;
- (6) The applicant, or any of the commercial cannabis operation's officers, directors, or owners, or any person who is managing or is otherwise responsible for the activities of the commercial cannabis operation, has been convicted of a violent felony, a felony or misdemeanor involving fraud, deceit, embezzlement, or moral turpitude;
- (7) The applicant or any of the commercial cannabis operation's officers, directors, owners, or managers is a licensed physician making patient recommendations for cannabis; or
- (8) The applicant did not pay to the City the required application and processing fees.

4.70.070 Maximum Number of Authorized Cannabis Operators Permitted.

A maximum of four commercial cannabis operations shall operate in the City, with any combination of cannabis retailers (up to three) or cannabis distribution facilities (up to one) as long as the total number does not exceed four.

4.70.080 City's Reservation of Rights.

The City reserves the right to reject any or all applications for a cannabis operator permit. Prior to permit issuance, the City may modify, postpone, or cancel any request for applications, at any time without liability, obligation, or commitment to any party, firm, or organization, to the extent permitted under California law. Persons submitting applications assume the risk that all or any part of the cannabis program, or any permit potentially authorized under this Chapter, may be cancelled at any time prior to permit issuance. The City further reserves the right to request and obtain additional information from any applicant submitting an application. An application may be rejected for any of the following reasons:

- A. The application was received after the designated time and date of the deadline.
- B. The application did not contain the required elements, exhibits, or was not organized in the required format.
- C. The application did not provide all the information required in the permit application (*i.e.*, was substantially incomplete).
- D. The applicant did not comply with the requirements of this Chapter.

4.70.090 Procedure Guidelines and Review Criteria to Evaluate Cannabis Operator Applications.

- A. By resolution, the City Council shall adopt Procedure Guidelines and Review Criteria for the City's evaluation of cannabis operator permit applications.
- B. The Procedure Guidelines and Review Criteria shall provide the process for soliciting applications including time frames, limitations, requirements, forms, and rules for completing applications.
- C. The City Manager shall be authorized to prepare any necessary forms and adopt any necessary rules or procedures to implement the Procedure Guidelines and Review Criteria.
- D. At the time of filing, each applicant shall pay an application fee established by resolution of the City Council to cover all costs incurred by the City in the application process.
- E. For applicants with 20 or more employees, the applicant shall attest that the applicant will enter into a labor peace agreement and will abide by the terms of the agreement, and the applicant shall provide a copy thereof to the City. For applicants that have not yet entered into a labor peace agreement, the applicant shall provide a notarized statement indicating that within

30-days of issuance of a cannabis operator permit from the City, the applicant will enter into and abide by the labor peace agreement.

4.70.100 Application Review Process.

A. Applications will be reviewed as provided in the Procedure Guidelines and Review Criteria.

B. The Community Development Director, or their designee, shall verify whether a proposed business location is properly zoned to allow a commercial cannabis operation to operate at the location. The Community Development Director, or their designee, shall also verify that the proposed business location meets the separation requirements from sensitive uses set forth in Municipal Code Section 12.300.070.

C. Only approved applications meeting guidelines set by City Council resolution will be eligible to participate in the final selection process which includes applying for a cannabis conditional use permit.

D. Applications shall be vetted by the City Manager and a team of his/her choice consistent with Procedure Guidelines and Review Criteria. At the conclusion of the vetting process, businesses will be issued a “pass” or “fail,” and those eligible businesses with a “pass” will advance to the City Council to determine which businesses will be permitted to apply for a conditional use permit.

E. The City Manager shall not issue a cannabis operator permit to an applicant until the applicant has obtained a conditional use permit pursuant to Municipal Code Chapter 12.300.

4.70.110 Exercise of a Cannabis Operator Permit.

A. Each cannabis operator permit issued pursuant to this Chapter shall expire twelve (12) months after the date of issuance. A cannabis operator permit may be renewed as provided in Section 4.70.130.

B. A cannabis operator permit shall be exercised within twelve (12) months of issuance. A cannabis operator permit has been exercised when any of the following occur:

- (1) A certificate of occupancy has been issued,
- (2) The permitted use has commenced on the site, or
- (3) A City building permit or grading permit is secured, and construction lawfully commenced.

4.70.120 Scope of Approval.

A. If a location has not been in regular and continuous operation in the preceding four (4) months, it shall be considered abandoned unless a mitigating circumstance occurred which was beyond the control of the permittee and the City Manager has authorized an extension.

B. The approval of a new use shall terminate all rights and approvals of a cannabis operator occupying the same site or location.

4.70.130 Renewal of Cannabis Operator Permit.

A. An application for renewal of a cannabis operator permit shall be filed at least sixty (60) calendar days prior to the expiration date of the current permit.

B. The renewal application shall contain all the information required for new applications, or as otherwise required by the City Manager.

C. The applicant shall pay a fee in an amount to be set by the City Council to cover the costs of processing the renewal permit application, together with any costs incurred by the City to administer the program created under this Chapter.

D. An application for renewal of a permit shall be rejected if any of the following exists:

- (1) The application is filed less than sixty (60) days before its expiration or a shorter time period which shall be at the discretion of the City Manager.
- (2) The permit is suspended or revoked at the time of the application.
- (3) The permittee has not been in regular and continuous operation in the four (4) months prior to the renewal application or the approved extension of the deadline from the City Manager.
- (4) The permittee has failed to comply with the requirements of the permit, this Chapter, any regulations adopted pursuant to this Chapter, any conditions of approvals for the permit, or any conditions of approval for land use approvals in connection with the permit.
- (5) The permittee fails or is unable to renew its State of California license.
- (6) If the State has determined, based on substantial evidence, that the permittee or applicant is in violation of the requirements of the state rules and regulations and the state has determined that the violation is grounds for termination or revocation of the cannabis regulatory permit.
- (7) The permittee has failed to pay any City taxes or fees.

E. The City Manager is authorized to make all decisions concerning the issuance of a renewal permit. In making the decision, the City Manager is authorized to impose additional conditions on a renewal permit, if the City Manager determines such conditions to be necessary to ensure compliance with State or local laws and regulations or to preserve the public health, safety, or welfare.

4.70.140 Revocation of a Cannabis Operator Permit.

A cannabis operator permit may be revoked for any violation of any state or local laws, this Municipal Code, rules, standards, policies, procedures, regulations, or conditions of approval related to cannabis in this Chapter or adopted pursuant to this Chapter, and any violation of any conditions of approval of a land use entitlement issued to the cannabis operator.

4.70.150 Effect of State License Suspension or Revocation.

A. Suspension of a license issued by the State of California, or by any of its departments or divisions, shall immediately suspend the ability of a commercial cannabis operation to operate within the City until the State of California or its respective department or division reinstates or reissues the State license.

B. Revocation of a license issued by the State of California, or by any of its departments or divisions, shall immediately suspend the ability of a commercial cannabis operation to operate within the City until the State or its respective department or division takes appropriate action. Should the State revoke a license, the owner of the commercial cannabis operation may re-apply for a cannabis operator permit at such time as it can demonstrate that the grounds for revocation of the license by the State no longer exist or that the underlying deficiency has otherwise been cured.

4.70.160 Appeals.

A. Appeals relating to (1) denial of an initial application; (2) denial of advancement to apply for a conditional use permit; (3) revocation or suspension of a permit; (4) denial of renewal of an application for a permit; or (5) additions of conditions to a permit shall be conducted as prescribed in this Chapter.

B. Within ten (10) calendar days after the date of a decision of the City Manager to revoke, suspend or deny an initial or renewed permit application or to add conditions to a permit, an applicant or permittee may appeal such action by filing a "Notice of Appeal" with the City Clerk setting forth the reasons why the decision was not proper.

C. The Notice of Appeal shall be in writing and signed by the person making the appeal ("appellant"), or their legal representative, and shall contain the following:

- (1) Name, address, and telephone number of the appellant.
- (2) Include a true and correct copy of the decision issued by the City Manager for which the appellant is appealing.
- (3) State with specificity the reasons and grounds for making the appeal, including, but not limited to, a statement of facts upon which the appeal is based in sufficient detail to enable the City Council, or any appointed hearing officer, to understand the nature of the controversy, the basis of the appeal, and the relief requested.

- (4) All documents or other evidence pertinent to the appeal that the appellant requests the hearing officer or body to consider at the hearing.
- (5) An appeal fee as established by resolution of the City Council.

D. An appointed hearing officer or the City Council will hear appeals that address the following issues:

- (1) Denial of an application for a cannabis operator permit.
- (2) Any deviation from the City's published Procedure Guidelines and Review Criteria that adversely affected the applicant by altering the outcome of the City's decision on the applicant's application. Examples of appealable deviations are:
 - (a) Failure on the part of the City to provide appropriate notification regarding changes to the application process via website postings or email to the applicant prior to the time the application was submitted;
 - (b) Failure on the part of the City to provide an applicant an equal opportunity to modify an application where that opportunity was provided to other applicants;
- (3) Revocation or suspension of permit;
- (4) Conditions imposed on a permit.

E. Any appeal based upon this section must be supported by evidence that the applicant presented the relevant information with completeness and in the appropriate section of the application. Information presented in the application that is incomplete in nature or that is relevant to a question posed by the City on the application form but appears in the incorrect section, even if complete, may be grounds for the dismissal of the appeal.

F. Failure of the City Clerk to receive a timely appeal constitutes a waiver of the right to appeal the notice issued by the City Manager. In this event, the City Manager's notice of decision shall be final.

G. In the event a written Notice of Appeal is timely filed, the nonrenewal, suspension, revocation shall not become effective until a final decision has been rendered and issued by the City Council or appointed hearing officer. Notices of appeal not served in a timely manner or served by non-operational business shall not serve to allow such business to operate pending appeal.

H. If no appeal is timely filed in the event of a decision of nonrenewal, the cannabis operator's permit shall expire at the conclusion of the term of the permit. If no appeal is timely filed in the event of a decision supporting suspension or revocation, the suspension or

revocation shall become effective upon the expiration of the period for filing a written Notice of Appeal.

4.70.160 Administrative Hearing and Proceedings.

A. Review by Hearing Officer or Body; Administrative Hearing and Proceedings.

- (1) Appellants who file a timely written Notice of Appeal will be entitled to an administrative hearing before a hearing officer or City Council as set forth by the City Council by resolution.
- (2) Upon receipt by the City Clerk of a timely-filed Notice of Appeal pertaining to suspensions, revocations, or non-renewals of a permit the City Clerk shall forward such appeal to the City Council or hearing officer who shall schedule a hearing within thirty (30) days. In the event such hearing cannot be heard within that time period or a mutually agreed upon time with the appellant, then the City Clerk shall schedule the appeal to be heard within forty-five (45) days or as soon as reasonably possible.
- (3) The appellant listed on the written Notice of Appeal shall be notified in writing of the date, time, and location of the hearing at least ten (10) days before the date of the hearing.
- (4) A request by an appellant or by the City to continue a hearing must be submitted to the City Clerk in writing no later than three (3) business days before the date scheduled for the hearing. The appointed hearing officer or City Council may continue a hearing for good cause or on its own motion; however, in no event may the hearing be continued for more than thirty (30) calendar days, unless there is a stipulation by all parties to do so.

B. At the date, time and location set forth in the Notice of Appeal hearing, the City appointed hearing officer or body shall hear and consider the testimony of the appellant, City staff, and/or their witnesses, as well as any documentary evidence properly submitted for consideration.

C. The following rules shall apply at the appeal hearing:

- (1) Appeal hearings are informal, and formal rules of evidence and discovery do not apply. However, rules of privilege shall be applicable to the extent they are permitted by law, and irrelevant, collateral, undue, and repetitious testimony may be excluded.

- (2) The City bears the burden of proof to establish the grounds for nonrenewal, suspension or revocation by a preponderance of evidence. Appellant(s) bear the burden of proof regarding denial of an applicant's application, or denial of permit.
- (3) The issuance of the City Manager's notice constitutes prima facie evidence of grounds for the denial, nonrenewal, suspension or revocation.
- (4) The hearing officer or City Council may accept and consider late evidence not submitted initially with the Notice of Appeal upon a showing of good cause. The hearing officer or body shall determine whether a particular fact or set of facts amount to good cause on a case-by-case basis.
- (5) The appellant may bring a language interpreter to the hearing at their sole expense.
- (6) The City may, at its discretion, record the hearing by stenographer or court reporter, audio recording, or video recording. If the appellant requests from the City that a court reporter, stenographer, or videographer be used, appellant shall bear the costs of same and shall deposit such fees prior to commencement of the administrative hearing.
- (7) If the appellant, or their legal representative, fails to appear at the appeal hearing, the appointed hearing officer or City Council, may cancel the appeal hearing and send a notice thereof to the appellant by certified, first class mail to the address(es) stated on the Notice of Appeal. A cancellation of a hearing due to non-appearance of the appellant shall constitute the appellant's waiver of the right to appeal and a failure to exhaust all administrative remedies. In such instances, the City Manager's notice of decision is final and binding.

D. Final Decision. Following the conclusion of the administrative hearing, the appointed hearing officer or City Council shall issue a written decision within thirty (30) days that determines if the action appealed from is affirmed or overturned and specifies the reasons for the decision.

E. The written decision of the appointed hearing officer or City Council shall provide that it is final and conclusive and is subject to the time limits set forth in California Code of Civil Procedure Section 1094.6 for judicial review.

F. A copy of the written decision shall be served by certified, first-class mail on the appellant. If the appellant is not the owner of the real property in which the commercial cannabis operation is located, or proposed to be located, a copy of the final decision may also be served on the property owner by first class mail to the address shown on the last equalized assessment roll. Failure of a person to receive a properly addressed final decision shall not invalidate any action or proceeding by the City pursuant to this Chapter.

4.70.170 Transfer of Cannabis Operator Permit.

A. A cannabis operator shall not transfer ownership or control of the permit to another person or entity unless and until the transferee obtains an amendment to the permit from the City Manager stating that the transferee is now the permittee. Such an amendment may be obtained only if the transferee files an application with the City Manager in accordance with the provisions of this Chapter (as though the transferee were applying for an original cannabis operator permit). The proposed transferee's application shall be accompanied by a transfer fee in an amount set by resolution of the City Council (or if not set, shall be the same amount as the application fee). The transferee's application will be treated as a new application, and will be evaluated according to the Procedure Guidelines and Review Criteria.

B. A cannabis operator permit issued through the grant of a transfer by the City Manager shall be valid for a period of one year beginning on the day the City Manager approves the transfer of the permit. Before the transferee's permit expires, the transferee shall apply for a renewal permit and pay the appropriate fee in the manner required by this Chapter.

C. A cannabis operator permit shall not be transferred when the City has notified the permittee in writing that the permit has been or may be suspended or revoked.

D. Any attempt to transfer a cannabis operator permit either directly or indirectly in violation of this section is hereby declared a violation of the permit and this chapter. Such a purported transfer shall be deemed a ground for revocation of the permit.

4.70.180 Right to Occupy and to Use Property.

Prior to the City's issuance of a cannabis operator permit pursuant to this Chapter, any person intending to open and to operate a commercial cannabis operation shall first provide sufficient evidence of the legal right to occupy and to use the proposed location. If the proposed location will be leased from the property owner, the applicant shall be required to provide a signed and notarized statement from the owner of the property, acknowledging that the property owner has read this Chapter and consents to the operation of the commercial cannabis operation on the owner's property.

4.70.190 Records and Record Keeping.

A. Each owner and operator of a commercial cannabis operation shall maintain accurate books and records in an electronic format, detailing all of the revenues and expenses of the business, and all of its assets and liabilities. On no less than an annual basis (at or before the time of the renewal of a permit issued pursuant to this Chapter), or at any time upon reasonable request of the City, each commercial cannabis operation shall file a sworn statement detailing the number and amount of sales by the commercial cannabis operation during the previous twelve-month period (or shorter period based upon the timing of the request), provided on a per-month basis. The statement shall also include gross sales for each month, and all applicable taxes and fees paid or due to be paid. On an annual basis, each cannabis operator shall submit to the City a financial audit of the business's operations conducted by an independent certified public accountant. A cannabis operator shall be subject to a regulatory compliance review and a gross receipts financial audit, where applicable, as determined by the City.

B. A cannabis operator shall maintain a current register of the names and the contact information (including the name, address, and telephone number) of anyone owning or holding an interest in the commercial cannabis operation, and separately of all the officers, managers, employees, agents, and volunteers currently employed or otherwise engaged by the commercial cannabis operation. The register required by this paragraph shall be provided to the City Manager upon a reasonable request.

C. All commercial cannabis operations shall maintain an inventory control and reporting system that accurately documents the present location, amounts, and descriptions of all cannabis and cannabis products for all stages of the growing and production or manufacturing, laboratory testing processes until purchase as set forth in the MAUCRSA.”

Section 6. This ordinance is categorically exempt from the California Environmental Quality Act pursuant to CEQA Guidelines Section 15061(b)(3) because it is not a project and there is not a possibility that the ordinance may have a significant effect on the environment.

Section 7. If any section, subsection, clause or phrase of this Ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portion or sections of the Ordinance. The City Council of the City of San Bruno hereby declares that it should have adopted the Ordinance and each section, subsection, sentence, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional.

Section 8. This Ordinance shall take effect and be in force 30 days after its adoption.

Section 9. The City Clerk shall publish this Ordinance according to law.

ATTEST:

Rico E. Medina, Mayor

Vicky Hasha, Deputy City Clerk

APPROVED AS TO FORM

Trisha Ortiz, Interim City Attorney

---o0o---

I hereby certify that the foregoing Ordinance No.
_____ was introduced on September 27, 2022,
and adopted at a regular meeting of the San Bruno
City Council on _____, 2022, by the following vote:

AYES: COUNCILMEMBERS: _____

NOES: COUNCILMEMBERS: _____

ABSENT: COUNCILMEMBERS: _____

RECUSE: COUNCILMEMBERS: _____

Vicky Hasha, Deputy City Clerk



City Council Agenda Item Staff Report

CITY OF SAN BRUNO

DATE: October 11, 2022

TO: Honorable Mayor and Members of the City Council

FROM: Jovan D. Grogan, City Manager

PREPARED BY: Ann Mottola, Community Services Director

SUBJECT: Adopt Resolution Authorizing the City Manager to Execute a Four-Year Contract With West Coast Arborist, Inc. for the Annual Pruning and Pollarding of Street Trees and Tree Removal Related to Fire and Hazard Mitigation in an Amount Not to Exceed \$1,093,865

BACKGROUND: The City's Municipal Code Sections 8.24 and 8.25 seek to protect and preserve the City's urban forest canopy through routine maintenance of publicly owned trees, regulation of the removal and pruning of public and privately owned Heritage Trees, and planting of new private and public trees. The City's care of the urban forest has several specific components:

1. Annual pruning and pollarding (pruning in which the upper branches of a tree are removed promoting new and more dense foliage and branches) of all City street trees on a four-year cycle to ensure that each street tree is addressed once every four years, to ensure the structural integrity and health of the trees, and to support a safe and healthy urban forest.
2. Year-round pruning and removal of trees located at City parks, medians, and facilities to ensure the structural integrity and health of the trees and to support a safe and healthy urban forest.
3. Response to community requests to evaluate and address publicly owned street trees that are not scheduled for pruning in that year's annual pruning cycle and open space trees adjacent to residences.
4. Emergency call-out tree pruning, roadway clearing, and removals.
5. Sidewalk Repair Program street tree root pruning and removals.
6. New street, park, and public facilities tree planting.
7. Administration of the City's Heritage Tree Permit Program regulating the pruning and removal of privately owned Heritage Trees.
8. Annual fire and hazard mitigation tree pruning and removals in City open spaces.

While many of the components are performed by Parks Staff, since fiscal year 2017-18, the City

has contracted services for pruning and pollarding of City street trees; and tree-related fire and hazard mitigation in City open spaces, that cannot be accessed with City equipment.

DISCUSSION: The City issued a Request for Proposals (RFP) on August 2, 2022, for Tree Pruning and Removal Services. Interested parties were asked to provide pricing on the following annual services:

1. Annual pollarding of the sycamore and mulberry street trees in each year of the City's four-year tree pruning program.
2. Annual street tree structural/safety pruning in each year of the City's four-year street tree pruning program.
3. Parks, medians, and open space tree pruning, tree removal, and stump grinding, as needed.
4. Sidewalk Repair Program tree root pruning, tree removal, and stump grinding, as needed.
5. Emergency services to respond for pruning or removing trees that present an imminent danger, as needed.

Staff received five proposals and conducted an evaluation based on several criteria in addition to cost:

- Demonstrated ability, capacity, experience, and skill to perform the services in accordance with the RFP specifications.
- Demonstrated ability to perform the services promptly or within the time specified, without delay.
- The equipment, facilities, and resources of such capacity and location to enable it to perform the services.
- Demonstrated record of satisfactory or better performance under prior contracts with the City and other purchasers; and
- Compliance with laws, regulations, guidelines, and orders governing prior or existing contracts.

There were four complete proposals ranging from \$923,606 to \$2,187,584 for a total 4-year cost of pruning and pollarding. (All proposals included annual increases for the second through fourth years of the contract.) There was also a fifth, incomplete proposal from a company that did not provide requested safety record information. The cost of the incomplete proposal was \$753,053. Their experience was of smaller scope. They also lacked depth with field staff that could potentially present challenges in maintaining a rigorous annual pruning schedule.

Proposer	Base Cost Year 1	Annual Increase Years 2 thru 4	Total Cost 4-Years
Complete Proposals			
West Coast Arborist	217,500	4%-4%-4%	923,606
Capak	400,000	3%-6%-9%	1,724,745
The Professional	467,500	0%-2%-3%	1,903,006
Kingsborough Atlas	448,000	10%-15%-20%	2,187,584
Incomplete Proposal			
Arborist Now	180,000	3%-3%-3%	753,053

West Coast Arborist, Inc. provided the lowest-cost complete proposal. West Coast Arborist, Inc. has seven offices located in two states and employs over 750 full-time employees. Their local office is located in San Jose, California. They have a sound safety record and strong qualifications for the work the City seeks to be performed. West Coast Arborist performed this service under a prior four-year agreement. Staff has been very satisfied with their services. They also prepared the City's first comprehensive tree inventory in 2010 and own the proprietary Arbor Access software used by City staff to track and manage publicly owned street, median, and park trees.

FISCAL IMPACT: A total of \$240,000 has been allocated in the FY 2022-23 Parks Maintenance Operating Budget for pruning and pollarding services, and an additional \$40,000 for tree related fire and hazard mitigation in open space areas that City equipment cannot access.

Funding for the first year of the West Coast Arborist, Inc. proposal is recommended at a total of \$257,500. This includes the base amount of \$217,500 and \$40,000 for fire and hazard tree removal.

Funding for the following three years of the contract in the amount of \$226,600 (year two), \$235,248 (year three), and \$244,658 (year four), and an additional \$41,600 (year two), \$43,264 (year three), and \$44,995 (year four) for tree related fire and hazard mitigation annually will be appropriated as part of the development of future years' annual operating budgets.

CONTRACT ELEMENT	FY 2022-23	FY 2023-24	FY 2024-25	FY 2025-26
Pruning & Pollarding	217,500	226,600	235,248	244,658
Fire & Hazard Mitigation	40,000	41,600	43,264	44,995
TOTAL ANNUAL COST	257,500	268,200	278,512	289,653
TOTAL FOUR-YEAR CONTRACT COST				1,093,865

ENVIRONMENTAL IMPACT: The action is not a project subject to CEQA.

RECOMMENDATION: Adopt resolution authorizing the City Manager to Execute a Four-Year Contract with West Coast Arborist, Inc. for the Annual Pruning and Pollarding of Street Trees and Tree Removal Related to Fire and Hazard Mitigation in an Amount Not to Exceed \$1,093,865.

ALTERNATIVES:

1. Direct further review of submitted proposals for selection of a different service provider.
2. Direct staff to issue a new request for proposals and modify the scope of work as directed by the City Council.

ATTACHMENTS:

1. Resolution

RESOLUTION NO. 2022- ____

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A FOUR-YEAR CONTRACT WITH WEST COAST ARBORIST, INC. FOR THE ANNUAL PRUNING AND POLLARDING OF STREET TREES AND TREE REMOVAL RELATED TO FIRE AND HAZARD MITIGATION AND IN AN AMOUNT NOT TO EXCEED \$1,093,865.

WHEREAS, the City's Municipal Code Sections 8.24 and 8.25 seek to protect and preserve the City's urban forest canopy through routine maintenance of publicly owned trees, regulation of the removal and pruning of public and privately owned Heritage Trees, and planting of new private and public trees; and

WHEREAS, the since Fiscal Year 2017-18 the City has contracted services for pruning and pollarding of City street trees, and annual fire and hazard mitigation related tree removals in City open spaces, that cannot be accessed with City equipment; and

WHEREAS, the City issued a Request for Proposals on August 2, 2022, for Tree Pruning and Removal Services; and

WHEREAS, West Coast Arborist, Inc. provided the lowest-cost complete proposal; and has demonstrated ability, capacity, and skill to perform the requested services.

NOW, THEREFORE, BE IT RESOLVED, that the City Council hereby authorizes the City Manager to execute a four-year contract with West Coast Arborist, Inc. for the annual pruning and pollarding of street trees and tree removal related to fire and hazard mitigation in an amount not to exceed \$1,093,865

Dated: October 11, 2022

ATTEST:

Vicky S. Hasha, Deputy City Clerk

---oOo---

I, Vicky S. Hasha, Deputy City Clerk, do hereby certify that the foregoing Resolution was duly and regularly passed and adopted by the City Council of the City of San Bruno this 10th day of May 2022 by the following vote:

AYES: Councilmembers: _____

NOES: Councilmembers _____

ABSENT: Councilmembers: _____



City Council Agenda Item Staff Report

CITY OF SAN BRUNO

DATE: October 11, 2022

TO: Honorable Mayor and Members of the City Council

FROM: Jovan D. Grogan, City Manager

PREPARED BY: Bobby Magee, Finance Director
Matthew Lee, Public Works Director

SUBJECT: Waive Second Reading and Adopt an Ordinance of the City Council of the City of San Bruno Rescinding Ordinance No. 1901 and Amending San Bruno Municipal Code Section 10.08.020 to Authorize Rates to Be Set by Resolution or Ordinance

BACKGROUND: On August 23, 2022, the San Bruno City Council conducted a public Study Session (workshop) on a potential New Solid Waste Collection Services Agreement (New Agreement). At the workshop, City of San Bruno Staff (Staff) and the City of San Bruno's consultant R3 Consulting Group Inc. (R3) provided a detailed presentation describing the background and circumstances leading up to the New Agreement, why changes are necessary, the key deal points and financial impacts of the New Agreement as compared with potentially soliciting a competitive procurement for these services. At that workshop, comments and questions were received from Council which are addressed in this report.

On September 27, 2022, the City Council adopted a resolution approving the New Agreement between the City and Recology San Bruno. This New Agreement will be effective January 1, 2023. The City Council also directed staff to initiate proceedings to consider adoption of rates in connection with the New Agreement. The City Council also introduced, read by title only, and waived further reading of an Ordinance Rescinding Ordinance No. 1901 and amending San Bruno Municipal Code Section 10.08.020 to authorize rates be set by resolution or ordinance. The September 27, 2022 City Council staff report provides additional information on the agreement.

DISCUSSION: The purpose of this consent item is to serve as a second reading and action for adoption of the Ordinance. No changes have been made to this Ordinance since its introduction. The Ordinance is presented as Attachment 1.

Ordinance to Set Rates by Resolution

As part of the rate adoption process, staff recommended that City Council authorize rates to be set by resolution. In the current agreement with Recology, the City is required to set rates by ordinance. The New Agreement allows rates to be set by resolution. Also, Section 10.08.020 of the San Bruno Municipal Code requires the City Council to adopt by ordinance the charges for municipal services, which include the solid waste collection, sewer and water services. As required by the current agreement and by Section 10.08.020, the City Council adopted

Ordinance No 1901 to set the current rates. So, to set the new rates by resolution, the City Council must first adopt an ordinance that amends Section 10.08.020 to allow fees to be set by resolution and that rescinds Ordinance No. 1901.

Next Steps

The New Agreement approved by the City Council on September 27, 2022 requires the City to adopt rates that reflect the cost of providing services under the new Agreement. These rates must be effective January 1, 2023. The rates in the agreement are subject to Section 6 of Article XIID of the California Constitution (Proposition 218). The City Council adopted the resolution on September 27, 2022 approving the new Agreement and also directing staff to begin the public hearing process required by Proposition 218 for the City Council to consider adopting new rates. In compliance with this process, the City mailed the notice of the proposed rates to the record owners of property and to the customers subject to the rates increase notice on September 30, 2022.

Next, the City Council will hold a duly noticed public hearing on the rates, currently scheduled for a Special Meeting of the City Council on Tuesday, November 15, 2022. The hearing cannot occur less than 45 days after the mailing. At the conclusion of the public hearing, the City must tabulate the written protests against the proposed rates and determine if a majority protest exists. A majority protest will exist if written protests have been presented, and not withdrawn, by the record owners or customers of record of a majority of the parcels subject to the rates. If a majority protest exists, the City Council cannot adopt the proposed rates.

The following schedule outlines the proposed timeline for considering the proposed rate adjustment effective January 1, 2023.

Date	Item
September 27, 2022	City Council directed staff to begin Proposition 218 process.
September 30, 2022	The City mailed notices of public hearing on proposed rates.
November 15, 2022	City Council holds public hearing, considers any protests, takes action to introduce new rate ordinance for first reading.
January 1, 2023	New rates take effect.

FISCAL IMPACT: There is no fiscal impact from the adoption of the Ordinance.

RECOMMENDATION: Waive Second Reading and Adopt an Ordinance of the City Council of the City of San Bruno Rescinding Ordinance No. 1901 and Amending Section 10.08.020 to Authorize Rates to Be Set by Resolution or Ordinance.

ALTERNATIVES: Direct staff to make modifications to the Ordinance; substantive modifications will require re-introduction at a subsequent meeting.

DISTRIBUTION:

Recology San Bruno

ATTACHMENTS:

1. Ordinance

DATE PREPARED:

September 28, 2022

REVIEWED BY:

_____ CM

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN
BRUNO RESCINDING ORDINANCE NO. 1901 AND AMENDING
SECTION 10.08.020 TO AUTHORIZE RATES TO BE SET BY
RESOLUTION OR ORDINANCE

WHEREAS, pursuant to Article XI, Section 7 of the California Constitution and Section 10.20.050 of the San Bruno Municipal Code, the City has granted Recology San Bruno (“Recology”) an exclusive contract for the collection of garbage and rubbish the (“Services”) within the city pursuant to that certain agreement entitled “Franchise Agreement for Integrated Waste Management Services,” as amended (the “Original Agreement”) ; and

WHEREAS, the Original Agreement provides that the City shall set rates for the Services (the “Rates”) by ordinance; and

WHEREAS, Section 10.08.020 of the San Bruno Municipal Code requires the City Council to adopt by ordinance the charges for municipal services, which include the Services and sewer and water service; and

WHEREAS, on August 24, 2021, the City Council adopted Ordinance No 1901 to set the Rates; and

WHEREAS, on September 27, 2022, the City approved an Amended and Restated Solid Waste Services Agreement (the “Amended and Restated Agreement”), which does not require Rates to be set by ordinance; and

WHEREAS, the Amended and Restated Agreement provides for the City to adopt Rates effective January 1, 2023; and

WHEREAS, the City desires to set the Rates by resolution; and

WHEREAS, the City desires to amend Section 10.08.020 to authorize rates or charges for municipal services to be set by ordinance or resolution.

The City Council of the City of San Bruno ORDAINS as follows:

SECTION 1. The recitals stated above are true and correct.

SECTION 2. Section 10.08.020 is hereby amended in its entirety to read as follows:

“The city council shall adopt rates or charges for municipal services, as needed, by resolution or ordinance. Fines, penalties, and fees for special services shall be adopted by a resolution of the city council.”

SECTION 3. Ordinance No. 1901 is hereby rescinded effective December 31, 2022.

SECTION 4. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional, invalid or ineffective by a court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this Ordinance. The City Council hereby declares that it would have passed this Ordinance, and each section, subsection, sentence, clause and phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional, invalid or ineffective.

SECTION 5. This Ordinance shall take effect thirty (30) days from and after the date of its final passage and adoption.

SECTION 6. The City Clerk is directed to cause publication of this Ordinance as required by law.

---oOo---

I, Vicky Hasha, Deputy City Clerk, do hereby certify that the foregoing Ordinance No. _ was introduced at a regular meeting of the San Bruno City Council on September 27, 2022 and adopted by the San Bruno City Council at a regular meeting on_____, by the following vote:

AYES: Councilmembers:

NOES: Councilmembers: _____

RECUSED: Councilmembers: _____

ABSENT: Councilmembers: _____

Vicky Hasha
Deputy City Clerk



City Council Agenda Item Staff Report

CITY OF SAN BRUNO

DATE: October 11, 2022

TO: Honorable Mayor and Members of the City Council

FROM: Jovan D. Grogan, City Manager

PREPARED BY: Monica Walker, Human Resources Manager

SUBJECT: Adopt Resolution Approving Agreement Between the City of San Bruno and the San Bruno Management Employees Association (SBMEA) and Authorizing Execution by the City Manager

BACKGROUND: The existing Memorandum of Understanding between the City of San Bruno and the San Bruno Management Employees Association (SBMEA) expired on December 31, 2021. Representatives from the City and the bargaining unit met and conferred in good faith and have reached a tentative agreement extending their existing Memorandum of Understanding an additional four years through December 31, 2025. The tentative agreement was signed by representatives and ratified by the bargaining unit on October 5, 2022.

DISCUSSION: The attached Tentative Agreement for SBMEA will extend their current Memorandum of Understanding through December 31, 2025, based on factors identified during negotiations over the last year. A total compensation survey of comparison agencies performed by an independent consultant with results from September 2021 demonstrated that the group was behind the labor market by an average of approximately 9.42%. An updated salary survey conducted in August 2022 demonstrated that this average had increased to 10.13%.

SBMEA received a 0% salary adjustment in both 2020 and 2021, with the exception of the CityNet Services Director and Public Works Director, which were moved to Tier 1 to align with the Police Chief and Fire Chief salaries. The agreement's economic package was based on a variety of factors including inflation as measured by the Consumers Price Index, All Urban Consumers (CPI-U), for the San Francisco – Oakland – San Jose region. CPI-U in October 2021 was 3.8% for the region. By October 2022, CPI-U for the same region has increased to 5.7%.

The longer-term contract offers stability in fiscal forecasting and supports recruitment and retention efforts. The cost of the four-year contract was considered against the general fund forecast and takes into consideration increasing costs for employee pension and inflationary assumptions for non-salary items.

The tentative agreement includes salary adjustments each year as follows:

CLASSIFICATION	2022 INCREASE Effective first full pay period in January 2022	2023 INCREASE Effective first full pay period in January 2023	2024 INCREASE Effective first full pay period in January 2024	2025 INCREASE Effective first full pay period in January 2025	TOTAL INCREASE
CATV CityNet Services Director	4%	3%	3%	3%	13%
Community & Economic Development Director	6%	5%	3%	3%	17%
Community Services Director	8%	3%	3%	3%	17%
Finance Director	6%	4%	3%	3%	16%
Human Resources Director	6%	4%	3%	3%	16%
Public Works Director	4%	3%	3%	3%	13%
Fire Chief	9%	8%	5%	3%	25%
Police Chief	9%	8%	5%	3%	25%

In addition to cost-of-living adjustments (COLAs) and equity adjustments over the course of the four-year period, the tentative agreements outlined additional benefits including: increasing the annual vacation buyback option from 80 hours maximum to 160 hours maximum, expanding the vacation bank maximum accrual to 300 hours (from 280 hours), a one-time infusion of 50 additional hours of Management Leave for each SBMEA member at the time of approval of this agreement (currently 100 hours, with an additional 20 hours at the discretion of the City Manager), and continuation of the cost share for health premium and Retiree Plus Health Coverage increase with 75% of the increase covered by the City and 25% of the increase paid by employee.

FISCAL IMPACT: The fiscal impact of the increases granted in the new contract for enhancements to employee salary and additional benefits is estimated at \$116,000 in FY2022/2023 and will be covered through funds that have already been appropriated in the FY2022/23 budget.

ENVIRONMENTAL IMPACT: There is no environmental impact.

RECOMMENDATION: Adopt Resolution Approving Agreement Between the City of San Bruno and the San Bruno Management Employees Association (SBMEA) Bargaining Unit and Authorizing Execution by the City Manager.

ALTERNATIVES: Do not approve the agreement and direct the negotiating team to seek changes or to begin mediation discussions.

ATTACHMENTS:

1. Resolution
2. Tentative Agreement – San Bruno Management Employees Association (SBMEA)

TENTATIVE AGREEMENT

City of San Bruno and San Bruno Management Employees Association (SBMEA) Amendment to the Memorandum of Understanding (MOU)

Pursuant to the provisions of the Meyers-Milias-Brown Act and the Memorandum of Understanding ("MOU") between the City of San Bruno ("City") and the City of San Bruno San Bruno Management Employees Association ("SBMEA"), this Tentative Agreement ("Agreement") is entered into on October 5, 2022, between the City and SBMEA as an amendment to the MOU. It is understood and agreed that the specific provisions contained in this Agreement shall supersede any previous agreements, whether oral or written, regarding the matters contained herein. Except as provided herein, all wages, hours and other terms and conditions of employment presently enjoyed by the bargaining unit and contained in the MOU shall remain in full force and effect.

The City and SBMEA have met and conferred in good faith concerning the terms and conditions of this Agreement and its implementation and now therefore agree to the following amendments effective the first full pay period following this signed agreement:

SALARY

Salary increases are retroactive to the first full pay period in January 2022:

CLASSIFICATION	2022 INCREASE Effective first full pay period in January 2022	2023 INCREASE Effective first full pay period in January 2023	2024 INCREASE Effective first full pay period in January 2024	2025 INCREASE Effective first full pay period in January 2025	TOTAL INCREASE
CATV CityNet Services Director	4%	3%	3%	3%	13%
Community & Economic Development Director	6%	5%	3%	3%	17%
Community Services Director	8%	3%	3%	3%	17%
Finance Director	6%	4%	3%	3%	16%
Human Resources Director	6%	4%	3%	3%	16%
Public Works Director	4%	3%	3%	3%	13%
Fire Chief	9%	8%	5%	3%	25%
Police Chief	9%	8%	5%	3%	25%

VACATION

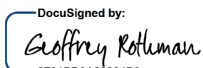
Annual vacation buyback option will be increased from 80 hours maximum to **160 hours maximum**.
Vacation bank maximum accrual will be expanded from 280 hours to **300 hours**.

MANAGEMENT LEAVE

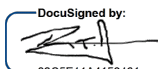
One-time infusion of **50 additional Management Leave hours** for each SBMEA member will be granted in the first full pay period following City Council approval of this agreement.


This Agreement shall not be incorporated into a successor MOU unless mutually agreed upon by the parties.

For the City of San Bruno

DocuSigned by:

3791BD3AC0984B2
Geoffrey Rothman, Chief Negotiator
10/5/2022
Date

For San Bruno Management Employees Association (SBMEA)

DocuSigned by:

0305E14A4452461...
Ryan Johansen, Police Chief
10/5/2022
Date

DocuSigned by:

09086C615EF740B...
Ann Mottola, Community Services Director
10/5/2022
Date
83 of 201

RESOLUTION NO. 2022–

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN
BRUNO APPROVING THE AGREEMENT BETWEEN THE CITY
OF SAN BRUNO AND THE SAN BRUNO MANAGEMENT
EMPLOYEES ASSOCIATION (SBMEA) AND AUTHORIZING THE
CITY MANAGER TO EXECUTE THE AGREEMENT TERMS**

WHEREAS, representatives of the San Bruno Management Employees Association (SBMEA) and representatives of the City of San Bruno have met and negotiated in good faith; and

WHEREAS, as a result of those negotiations, an agreement has been reached regarding changes to the terms and conditions of employment for the SBMEA Memorandum of Understanding for the period of January 1, 2022, to December 31, 2025; and

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of San Bruno that it hereby approves the Agreement reached between the City of San Bruno and SBMEA modifying the existing Memorandum of Understanding between the parties, and consistent with terms and conditions outlined in the Agreement attached hereto and marked Exhibit A; and

BE IT FURTHER RESOLVED that the City Manager is hereby authorized to execute on behalf of the City of San Bruno the attached Agreement, and any modified and consolidated Memorandum of Understanding prepared incorporating all prior agreed upon terms and conditions of employment approved by the City of San Bruno and SBMEA.

--oOo--

I hereby certify the foregoing Resolution No. _____ was introduced and adopted by the San Bruno City Council, at a regular meeting on October 11, 2022 by the following vote:

AYES: Councilmembers:

NOES: Councilmembers:

ABSENT: Councilmembers:

Vicky Hasha, Deputy City Clerk

RESOLUTION NO. 2022 - __

**RESOLUTION APPROVING AMENDMENT #2 TO THE EMPLOYMENT AGREEMENT
BETWEEN THE CITY OF SAN BRUNO AND JOVAN D. GROGAN, CITY MANAGER**

WHEREAS, the City of San Bruno and Jovan D. Grogan entered into an Employment Agreement for City Manager services on June 26, 2018; and

WHEREAS, the City Council desires to increase compensation and other benefits, as described in Exhibit A, to reflect current city manager compensation levels.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of San Bruno that it hereby approves Amendment #2 (attached hereto as Exhibit A and incorporated herein as reference) to the Employment Agreement between the City of San Bruno and Jovan D. Grogan.

---oOo---

I hereby certify that foregoing **Resolution No. 2022 - __**
was adopted by the San Bruno City Council at a regular meeting on
October 11, 2022, by the following vote:

AYES: Councilmembers:

NOES: Councilmembers:

ABSENT: Councilmembers:

Vicky S. Hasha, Deputy City Clerk

EXHIBIT A

AMENDMENT #2 TO THE EMPLOYMENT AGREEMENT BETWEEN THE CITY OF SAN BRUNO AND JOVAN D. GROGAN

This Amendment #2, executed as of the 11th day of October, 2022, is between the City of San Bruno ("the City" or "the Employer") and Jovan D. Grogan ("the Employee"). All other terms and provisions in the contract executed on June 18, 2018, as amended by Amendment #1, will remain the same.

Salary Plan

Section 5 of the contract is amended to provide for a salary increase of 10% to \$284,024, effective as of July 1, 2022.

Deferred Compensation

Section 6(a) is amended by adding the following paragraph: In addition to the base salary paid by the Employer to Employee, The City will contribute one percent (1%) of annual salary to deferred compensation. The one percent (1%) matching City-paid contribution is on a biweekly pay period basis. The Employee must have a deferred compensation account and contribute at least one percent (1%) of the Employee's salary on a bi-weekly basis to receive this benefit. There shall be no retroactivity or lump-sum balance payments with this program benefit. Beginning January 1, 2023, in lieu of the one percent (1%) matching contribution described above, Employer shall contribute \$7,500 each month to deferred compensation.

Personal and Professional Development

Section 6(o) is deleted and replaced with the following: "Effective, January 1, 2021, the City will reimburse Employee up to \$1,000 annually for Employee expenses for professional reference materials, attendance at professional organization meetings, training and home office equipment, outside training materials, extra coursework, additional professional organization memberships, wellness and physical activities, and equipment and supplies related to the employee's maintenance of a home office. Effective January 1, 2023, this amount shall be increased to \$1,500 annually. Reimbursement shall be subject to approval by the City Attorney or City Finance Director."

For the City of San Bruno:

For the Employee:

Rico E. Medina, Mayor

Jovan D. Grogan, Employee

Date

Date



City Council Agenda Item Staff Report

CITY OF SAN BRUNO

DATE: October 11, 2022

TO: Honorable Mayor and Members of the City Council

FROM: Jovan D. Grogan, City Manager

PREPARED BY: Darcy Smith, Assistant City Manager

SUBJECT: Hold Public Hearing to Adopt a Resolution Adding Fees Related to the Commercial Cannabis Operator's Permit to the Master Fee Schedule, and Adopt a Resolution Approving Application Procedures and Guidelines for Commercial Cannabis Operator's Permits and Authorizing the City to Obtain State Summary Criminal History Information of Potential Cannabis Operator Permittees

BACKGROUND:

On September 27, 2022, at a Public Hearing, the City Council waived the first reading and introduced two Ordinances to amend the City Municipal Code related to commercial cannabis operations. The second reading and adoption of these Ordinances is scheduled for the City Council meeting of October 11, 2022.

The first Ordinance will amend the Zoning Code to add a new chapter to permit and regulate commercial cannabis retailers (storefront sales) and commercial cannabis distribution facilities. The second Ordinance includes various Municipal Code Amendments, including amendments to Title 3 (Revenue and Finance) to lower the cannabis business tax to 5%, amendments to Title 4 (Licenses and Regulations) to add a new chapter pertaining to Commercial Cannabis Operators Permits, and amendments to Title 6 (Public Peace, Morals and Welfare) to eliminate the prohibition on commercial cannabis business activity in the City. To permit retail and distribution activities, Chapter 4.70 is proposed to be added to the Municipal Code to define the Operator's Permit process. Commercial Cannabis Operations for cannabis retailers or cannabis distribution facilities will require both a Commercial Cannabis Operators Permit (CCOP) and a Conditional Use Permit (CUP). The CCOP requires an annual permit renewal.

DISCUSSION:

The purpose of this item is: (i) to consider a Resolution approving Application Procedures and Guidelines for Commercial Cannabis Operator's Permits and authorizing the City to obtain State summary criminal history information of potential cannabis operator permittees (Attachment 1), and (ii) hold a public hearing to consider a Resolution Adding Fees Related to the Commercial Cannabis Operator's Permit to the Master Fee Schedule (Attachment 2).

Application Procedures and Guidelines for Commercial Cannabis Operator's Permits

Operations of commercial cannabis retailers (storefront sales) and commercial cannabis distribution facilities will require both a Commercial Cannabis Operators Permit (CCOP) and a Conditional Use Permit (CUP). The first step in the process would be for a prospective

commercial cannabis operator to file a CCOP application. To implement the City's newly adopted commercial cannabis operations regulations including the new Municipal Code Chapter 4.70 pertaining to the requirements and process for CCOPs, the City Council must approve the related Application Procedures and Guidelines for Commercial Cannabis Operator's Permits (Guidelines). The proposed Guidelines are provided as Attachment 1, Exhibit A to clearly explain the City's requirements and process to applicants. The proposed process would start with an application filing timeline during which CCOP applications can be filed with the City. While only up to three cannabis retailer locations and one distribution facility may ultimately be approved, the city could receive and process more than four applications. Therefore, the City must establish a clear process for the CCOP applications.

The CCOP application would require the cannabis business to submit all information and documents identified as required in the Guidelines. This includes identification of the owners and managers of the business and certain information pertaining to the business including financial information. The owners and managers are also required to submit to background checks. The CCOP applications would be reviewed by the City. The applications would be assigned a "Pass" or "Fail" status by the team based on the application evaluation and scoring criteria included in the Guidelines.

Those CCOP Applications that receive a "Pass" score will be forwarded to the City Council for review and consideration. The City Council will hold a publicly noticed meeting to select up to three (3) CCOP applicants for commercial cannabis retailers (storefront sales) and one (1) commercial cannabis distribution facility. If there are less than three (3) initial submittals, the City Council may open the CCOP process again at any time in the future. At any time there are fewer than three approved retail CCOP's and fewer than one distribution CCOP, the City Council may open the CCOP application process to receive additional applications. However, the City reserves the right to award a lesser number of CCOP permits or to award no permits at all.

Those businesses approved by the City Council would then proceed to the final step, formally filing a Conditional Use Permit (CUP) application for a specific location. CUP applications would be reviewed by staff and presented to the Planning Commission for consideration at a noticed public hearing. The Planning Commission shall be the recommending body with the City Council being the final approving authority on which commercial cannabis operations obtain a CUP. With CUP approval, the third and final step would be for staff to formally issue the CCOP to those applicants who have obtained their CUP approval.

Fees for Commercial Cannabis Operator's Permits

As the CCOP is a new permit type, the City Council must adopt a Resolution adding fees related to the CCOP to the Master Fee Schedule. All applicants will be required to submit a deposit based on the current Master Fee Schedule for the City of San Bruno for each CCOP application. Staff completed a fee study with preliminary costs estimates for all City staff time required to review and process the Permit, which is included as Attachment 2, Exhibit A. Consistent with City Council policy to maximize cost recovery for development related services, the fee is proposed to be deposit based with an initial deposit of \$11,161.00. The estimated cost of conducting the annual renewal of the operator's permit is \$2,745.00.

Time spent by City staff and any City consultant in reviewing applications and administering the application process will be tracked and charged against the initial deposit amount. All direct

costs including legal and public notices will be charged to the applicant. The deposit amount is based on the preliminary cost estimates analysis; however, applicants are advised that they may be required to post an additional deposit, if necessary, for the City to complete the application review processes. Any remaining deposit balance that is unused will be returned to the Applicant. The CCOP review and background check by the Police Department is a separate fee of actual costs to run the check per owner or manager which reflects the actual costs of investigations and background checks.

FISCAL IMPACT:

There is no fiscal impact from the adoption of the resolutions. Application fees for the Commercial Cannabis Operator's Permits is revenue neutral since applicants will only be charged for actual time spent on the application. There would be an undetermined net positive fiscal impact if new commercial cannabis businesses locate in the city from tax revenue.

ENVIRONMENTAL IMPACT:

The adoption of the resolutions do not have the potential for creation of a significant environmental impact pursuant to the California Environmental Quality Act (CEQA), and as such are exempt from further environmental consideration per CEQA Guidelines Section 15061(b)(3).

RECOMMENDATION:

Hold Public Hearing to adopt a Resolution adding Fees related to the Commercial Cannabis Operator's Permit to the Master Fee Schedule, and adopt a Resolution approving Application Procedures and Guidelines for Commercial Cannabis Operator's Permits and authorizing the City to obtain State summary criminal history information of potential cannabis operator permittees.

ALTERNATIVES:

Decline to adopt the resolutions and direct staff to make modifications to one or both of the resolutions; substantive modifications will require continuation to a future meeting.

ATTACHMENTS:

1. Resolution Approving Application Procedures and Guidelines for Commercial Cannabis Operator's Permits Procedures and Guidelines for Commercial Cannabis Operator's Permits and Authorizing the City to Obtain State Summary Criminal History Information of Potential Cannabis Operator Permittees with Exhibit A, Application Procedures and Guidelines for Commercial Cannabis Operator's Permits.
2. Resolution Adding Fees Related to the Commercial Cannabis Operator's Permit to the Master Fee Schedule with Exhibit A: Commercial Cannabis Operator's Permit Fee Study.

RESOLUTION NO. 2022 - _____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN
BRUNO APPROVING APPLICATION PROCEDURES AND
GUIDELINES FOR THE COMMERCIAL CANNABIS OPERATOR'S
PERMIT AND AUTHORIZING THE CITY TO OBTAIN STATE
SUMMARY CRIMINAL HISTORY INFORMATION OF POTENTIAL
CANNABIS OPERATOR PERMITTEES**

WHEREAS, in 2015 the State passed three assembly bills (AB 243, 266, and SB 643) that established the state-level licensing and regulatory framework for medical cannabis (MCRSA) and created a new California Bureau of Medical Cannabis Regulation.

WHEREAS, on November 8, 2016, the voters of the state adopted Proposition 64, the Adult Use of Marijuana Act (AUMA), which legalized adult cannabis use, possession and cultivation for nonmedical purposes and created a regulatory framework for non-medical cannabis businesses; and

WHEREAS, on June 15, 2017, the state passed the Medical and Adult Use of Cannabis Regulation and Safety Act (MAUCRSA), which effectively merged the recreational statutory framework under AUMA and the medical statutory framework under MCRSA and created one uniform licensing and regulatory structure for both medical and recreational marijuana operations.

WHEREAS, MAUCRSA authorizes local jurisdictions to adopt and enforce local ordinances to regulate cannabis businesses licensed pursuant to state law, including local zoning and land use requirements, business license requirements, and requirements related to reducing exposure to second hand smoke, or to completely prohibit the establishment or operation of one or more types of businesses licensed pursuant to state law; and

WHEREAS, on October 11, 2022, the City Council adopted two Ordinances to amend the City Municipal Code related to commercial cannabis operations. Ordinance No. _____ will amend the Zoning Code to add a new chapter to permit and regulate commercial cannabis retailers (storefront sales) and commercial cannabis distribution facilities. Ordinance No. _____ includes various Municipal Code Amendments, including amendments to Title 3 (Revenue and Finance) to lower the cannabis business tax to 5%, amendments to Title 4 (Licenses and Regulations) to add a new chapter 4.70 pertaining to Commercial Cannabis Operators Permits, and amendments to Title 6 (Public Peace, Morals and Welfare) to eliminate the prohibition on commercial cannabis business activity in the City;

WHEREAS, to implement the City's newly adopted commercial cannabis operations regulations including the new Municipal Code Chapter 4.70 pertaining to the requirements and process for Commercial Cannabis Operators Permits, the City Council is approving the related Application Procedures and Guidelines for Commercial Cannabis Operator Permits and will be conducting background checks on applicants for Commercial Cannabis Operator Permits.;

WHEREAS, Penal Code Section 11105(b)(11) and 13300(b) (11) authorize cities, counties, districts and joint powers authorities to access state and local summary criminal history information for employment, licensing or certification purposes;

WHEREAS, Penal Code Section 11105(b)(11) and (c) authorizes cities, counties, districts and joint powers authorities to access federal level criminal history information by transmitting fingerprint images and related information to the Department of Justice to be transmitted to the Federal Bureau of Investigation; and

WHEREAS, Penal Code Sections 11108(b)(11) and 13300(b)(11) authorize the Attorney General and a local criminal justice agency to release summary criminal history information if the criminal history information is required to implement a statute, ordinance, or regulation that expressly refers to specific criminal conduct applicable to the subject person of the state summary criminal history information, and contains requirements or exclusions, or both, expressly based upon that specified criminal conduct; and

WHEREAS, Ordinance No. ____ identifies the persons prohibited from holding a cannabis operator permit. Specifically, San Bruno Municipal Code section 4.70.060 (A)(1) provides that a person is prohibited from holding a cannabis operator permit if the criminal background check demonstrates that the applicant has committed any of the crimes identified in Section 4.70.050(C) or Section 4.70.060(A)(6) which identify the various felony convictions that disqualify a person from holding a permit; and

WHEREAS, Penal Code Section 11105(b)(11) requires the City Council to authorize access to summary criminal history information for employment, licensing, or certification purposes.

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby adopts the attached Application Procedures and Guidelines for Commercial Cannabis Operator's Permits as shown in Exhibit A.

NOW, THEREFORE, BE IT FURTHER RESOLVED that the City Manager of the City of San Bruno is hereby given authority to obtain State summary criminal background information, and subsequent arrest information, from the California Department of Justice for the purpose of screening applicants for commercial cannabis operators permits. The City Manager is hereby given authority to obtain from the California Department of Justice any and all records of convictions and any arrests pending adjudication involving offenses listed in San Bruno Municipal Code Section 7.40.050(C) and Section 4.70.060(A)(6) with respect to all applicants for commercial cannabis operators permits.

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I hereby certify that foregoing **Resolution No. 2022 - _____**
was introduced and adopted by the San Bruno City Council at a regular meeting on
October 11, 2022, by the following vote:

AYES: Councilmembers:

NOES: Councilmembers

ABSENT: Councilmembers:

Vicky S. Hasha, Deputy City Clerk

Exhibit A: Application Procedures and Guidelines for Commercial Cannabis Operator's
Permits



CITY OF SAN BRUNO APPLICATION PROCEDURES AND GUIDELINES FOR COMMERCIAL CANNABIS OPERATOR PERMITS

Information regarding the Commercial Cannabis Operators Permit (CCOP) Application process for Storefront Sales or Distribution uses can be found on the City's Planning Division website at <https://www.sanbruno.ca.gov/222/Planning-Division> and includes the following:

- California state regulations and resources
- San Bruno Municipal Code (SBMC)
- Commercial Cannabis Operators Permit Application
- Application Procedures and Guidelines
- Background check application and Live Scan form(s)

The application period to apply for a CCOP in San Bruno will open on ____, , and will close at 4:00 p.m. on ____. Applications will be available from the Planning Division located at 567 El Camino Real, San Bruno, CA 94066. Applications must be submitted to Planning Division prior to the deadline. Incomplete and late applications will not be accepted.

Applicants should monitor the City's web page for any additional information, FAQ's, or updates. It is the responsibility of the Applicant to stay informed of this information.

APPLICATION INQUIRIES AND APPOINTMENTS

City staff will not be meeting with applicants or their representatives prior to the application deadline. All questions related to application submission, or the review process should be submitted in writing to the Planning and Housing Manager. Please also consult the F.A.Q. document posted on the City's cannabis website.

CITY'S RESERVATION OF RIGHTS

The City reserves the right to reject any and/or all applications in accordance with the San Bruno Municipal Code (SBMC) and these procedures and guidelines. The City may modify, postpone, or cancel the application period or review process for CCOP applications without liability, obligation, or commitment to any party, firm, or organization. In addition, the City reserves the right to request and obtain additional information from any applicant. Late or incomplete applications at the time of application closing will be rejected. Furthermore, an application **RISKS BEING REJECTED** for the following reasons:

- It is not fully responsive to this request for a CCOP application.
- If the application fails to respond to the Review Criteria as noted in the SBMC and this application packet.
- The issuance of a CCOP at the proposed location would be inconsistent with State law, or other applicable provisions of the SBMC.

APPLICATION PROCESS

Before submitting, review your application in its entirety to ensure that it is complete and accurate. Review the information regarding the CCOP application on the City's website: <https://www.sanbruno.ca.gov/222/Planning-Division>

The following procedures outline the application evaluation and selection process, required materials, and other information necessary to apply for a permit to operate a CCOP in San Bruno.

CCOP APPLICATION SUBMITTAL REQUIREMENTS

All required CCOP Application materials must be submitted together prior to the application deadline. Applicants must hand-deliver one (1) signed original CCOP Application and one (1) USB flash drive containing a scanned copy of the complete, signed CCOP Application (PDF format).

Please Note: All materials must be submitted in both hard copy and on a USB flash drive in a PDF format, broken down into five PDF files, based on the following file organization:

- PDF File #1 – CCOP Initial Application with authorized signatures
- PDF File #2 – Review Criteria responses
- PDF File #3 – Background Check documentation (All required documents for each owner; Board of Directors; and person(s) who will control, direct, or manage the operations of the facility). Upon submission of the online background check application, applicants will receive an email confirmation. This confirmation needs to be printed, scanned, and included within PDF File #3.
- PDF File #4 – Proof of Capitalization (All bank statements, loan documents, promissory notes, and, financial and commitment letters)
- PDF File #5 – A signed and notarized Property Owner Consent form, Lease Agreement, or a “Letter of Intention” to Lease.

BACKGROUND CHECK

Each Owner, as defined in the San Bruno Municipal Code, must undergo a criminal history background check to demonstrate that they are not precluded from holding a permit pursuant to San Bruno Municipal Code Section 4.70.160. Owners who do not meet the criminal history eligibility requirements of SBMC will be disqualified. Background check information can be found online at www.sanbruno.ca.gov. In addition, each successful applicant/owner will be asked to submit to a Live Scan prior to permit issuance in order to complete the background check process. This will require the owner(s) to submit fingerprints to the city. The process will be conducted by the San Bruno Police Department, which will submit the Live Scan to the DOJ/FBI to review for criminal offender record information (CORI). The CORI reports will be provided to the City for the sole purpose of determining eligibility for a CCOP. Each applicant/owner's primary contact will be notified by email with the instructions on how to schedule the Live Scan appointment after the City determines which applicant(s) will be awarded a CCOP. There will be a fee for a provisional background check. Successful applicants will also be subject to a separate Live Scan fee.

FEES

All applicants will be required to submit a deposit based on the current Master Fee Schedule for the City of San Bruno for each CCOP application. As of November 10, 2022, the initial deposit is \$11,161. Time spent by City staff and any City consultant in reviewing applications and administrating the application process will be tracked and charged against this amount. All direct costs including legal and public notices will be charged to the applicant. The deposit amount is based on the preliminary cost estimates analysis; however, applicants are advised that they may be required to post an additional deposit, if necessary, for the City to complete the application review processes. Any remaining deposit balance that is unused at the end of the application process will be returned to the Applicant.

The CCOP Review and Background Check is a separate fee of \$_____ per owner or manager which reflects the actual costs of investigations and background checks. and is due when requesting a criminal background check through the City. Background check application fees are non-refundable.

APPLICATION REVIEW, SCORING AND SELECTION PROCESS SELECTION PROCESS

PHASE I: DETERMINATION OF ELIGIBILITY

Applications must be submitted in their entirety, no later than _____ at 4:00 p.m. LATE APPLICATIONS WILL NOT BE CONSIDERED. Upon receiving a complete application, the City will review the application in its entirety using the Application Submittal checklist on Page 1 of the CCOP Application. Applications that meet the minimum eligibility requirements will proceed to Phase II (Application Completeness Determination). If the City determines in the initial screening that an application does not meet minimum eligibility requirements including but not limited to the background check and, zoning requirements, and distance requirements from sensitive uses, the applicant shall be notified in writing that the application has been denied. Any appeal of that decision must comply with San Bruno Municipal Code section 4.70.160.

PHASE II: APPLICATION COMPLETENESS DETERMINATION

Applications will be reviewed by City staff to determine if the application submittal package is complete. If the application is determined to be incomplete, the City shall provide written notice to the applicant and owner advising what information is required. The applicant shall have fourteen (14) days from the date of the City's notice to file the required information. Failure to provide the required materials within this timeframe shall result in the City's disqualification of the CCOP application from further consideration in the application review.

PHASE III: APPLICATION EVALUATION AND SCORING

Applications will be reviewed by the City, and based on the criteria explained below. As instructed, responses to the Review Criteria must be saved in PDF File #2. See APPENDIX A for a description of the Review Criteria:

- 1) Business Plan
- 2) Labor and Community Benefit Plan
- 3) Neighborhood Compatibility Plan & Odor Control Plan
- 4) Safety and Hazardous Materials Plan
- 5) Security Plan
- 6) Location and Site Plans

Applicants will not be allowed to resubmit information that is determined to be missing or deficient during the Phase III review. Those applications which are determined to provide complete information which address all health and safety concerns in Phase III will move on to Phase IV of the application process.

PHASE IV: SELECTION BY THE CITY COUNCIL

Those CCOP Applications that have been cleared as part of Phase III process will be forwarded to the City Council for review and consideration. The City Council will hold a publicly noticed meeting to initially select up to three (3) CCOP applicants for commercial cannabis retailers (storefront sales) and one (1) commercial cannabis distribution facility. If there are less than three (3) initial submittals, the City Council may open the CCOP process again at any time in the future. At which time there are fewer than three approved retail CCOP's and fewer than one distribution CCOP, the City Council may open the CCOP application process to receive additional applications.

PHASE V: CITY FINAL DETERMINATION AND ISSUANCE OF CCOP LICENSE

Operators selected by the City Council will be eligible to receive a CCOP after receiving Planning Commission and City Council approval of a Conditional Use Permit.

However, the City reserves the right to award a lesser number of CCOP or to award no permits at all.

CONTACT

If you have any questions, please contact the Planning Division at (650) 616-7074, or by email at: planning@sanbruno.ca.gov.

APPENDIX A: DESCRIPTION OF REVIEW CRITERIA

All of the following information must be submitted on a USB flash drive in PDF format (please do not submit any documents in Word format) when the application is initially filed for consideration. Responses to the Review Criteria shall be limited to 300 pages.

REVIEW CRITERIA

1. BUSINESS PLAN

- 1.1. Owner qualifications. Resumes are not to exceed two (2) pages per owner.
- 1.2. A budget for construction, operation, and maintenance, compensation of employees, equipment costs, utility cost, and other operation costs.
- 1.3. Proof of capitalization in the form of documentation of cash or other liquid assets on hand, Letters of Credit, or other equivalent assets.
- 1.4. Proof of corporation status.
- 1.5. Tax compliance.
- 1.6. Proof of insurance (required prior to City approval of the CCOP).
- 1.7. Financial pro forma and budget for at least three years of operation.
- 1.8. Fully describe hours of operation, and opening and closing procedures.
- 1.9. Describe the day-to-day operations per license type:
 - 1.9.1. Additional criteria for **Storefront Sales** applications only:
 - a. Describe customer check-in procedures.
 - b. Identify location and procedures for receiving deliveries during business hours.
 - c. Identify the name of the point-of-sale system to be used and the number of point-of-Sale locations.
 - d. Estimate the number of customers to be served per hour/day.
 - e. Describe the proposed product line to be sold and estimate the percentage of sales of flower and manufactured products.
 - f. If proposed, describe delivery service procedures, number of vehicles and product security during transportation.

2. LABOR AND COMMUNITY BENEFITS PLAN

- 2.1. Describe whether the CCOP holder is committed to offering employees a living wage.
- 2.2. Briefly describe benefits provided to employees such as health care, vacation, and medical leave, to the degree they are offered as part of employment.
- 2.3. Describe compensation to and opportunities for continuing education and employee training.
- 2.4. Describe the extent to which the CCOP holder will be a locally managed enterprise whose owners and/or managers reside, own a commercial business, or operate a non-profit within the City of San Bruno.
- 2.5. Describe the expected number of employees, title/position, and their responsibilities.
- 2.6. Describe any other proposed community benefit programs or provisions (which may include, though not be limited to, donation of equipment and supplies to San Bruno youth programs, provision of park equipment, etc.) related to the proposed commercial cannabis operation.

3. NEIGHBORHOOD COMPATIBILITY PLAN (AND ODOR CONTROL PLAN)

- 3.1. Describe how the CCOP holder will proactively address and respond to complaints related to noise, light, odor, litter, and, vehicle and pedestrian traffic and on-site and/or on-street parking.
- 3.2. Describe how the CCOP holder will be managed so as to avoid becoming a nuisance or having impacts on its neighbors and the surrounding community.
- 3.3. Describe odor mitigation practices.
- 3.4. Identify potential sources of odor and odor mitigation practices.
- 3.5. Describe odor control devices/equipment and techniques employed to ensure that odors from cannabis are not detectable beyond the licensed premises.
- 3.6. Describe all proposed system maintenance.
- 3.7. Describe the waste management plan. This should include handling and disposal of any unused or unsold cannabis products.

4. SAFETY AND HAZARDOUS MATERIALS PLAN

- 4.1. The Safety Plan should consider all possible fire, medical, and hazardous situations, and shall be prepared and/or assessed by a professional fire prevention and suppression consultant. Complete policy/procedures manuals are not required with the initial application materials but may be requested by the City during the application evaluation process. Please describe each of the following:
 - 4.1.1. Types, amounts, use and storage/transport details for any hazardous material to be used as part of project operations.
 - 4.1.2. Accident and incident reporting procedures.
 - 4.1.3. Evacuation routes.
 - 4.1.4. The location of fire extinguishers and other fire suppression equipment.
 - 4.1.5. Procedures and training for all fire and medical emergencies.

5. SECURITY PLAN*

- 5.1. The Security Plan should consider all access control, inventory control, cash handling procedures, and shall be prepared and/or assessed by a professional security consultant. Complete policy/procedures manuals are not required to be submitted with the initial application materials but may be requested by the City during the application evaluation process. Please describe each of the following:
 - 5.1.1. Premises (Security) Diagram. Applicants shall submit a premises diagram (or site plan) which focuses on the proposed security measures and how they relate to the overall business. (This is identical to the state requirement for such a diagram contained in CCR Title 16, Division 42, § 5006. Premises Diagram).
 - a. The diagram shall be accurate, dimensioned and to scale (minimum scale 1/4"). The scale may be smaller if the proposed location exceeds more than a 1/2-acre parcel but must not be printed on larger than an 11" x 17" sheet of paper. (Blueprints and engineering site plans are not required to be submitted with the initial application materials but may be requested by the City during the application evaluation process)
 - b. The diagram must be drawn to scale and clearly identify property boundaries, entrances, exits, interior partitions, walls, rooms, windows, and doorways, as well as lighting plans for proposed exterior and interior lighting that will be used to help in providing necessary security lighting for the site. The activity in each room and the location of all cameras must be identified in the diagram.
 - c. The diagram must describe cannabis activity that will be conducted in each area of

the premises. Commercial cannabis activities that must be identified on the diagram/site plan include the following, if applicable to the business operations: storage areas, batch sampling areas, loading/unloading of shipment areas, packaging and labeling areas, customer sales areas, training areas, employee break room areas, extraction areas, infusion areas, processing areas, and testing areas.

- d. The diagram must include limited-access areas, defined as areas in which cannabis goods are stored or held and only accessible to the permittee, or its employees or contractors and areas used for video surveillance monitoring and storage devices

5.1.2. Number, types and locations of all video surveillance cameras.

5.2. Identify the intrusion alarm and monitoring system including the name and contact information for the monitoring company (if the company has been selected).

5.3. Briefly describe cash handling procedures.

5.4. Discuss whether the CCOP holder will utilize the services of on-site security guards.

Include in the discussion:

5.4.1. Number of guards.

5.4.2. Hours guards will be on-site.

5.4.3. Locations at which they will be positioned.

5.4.4. Guard roles and responsibilities.

* Security Plans will not be made public. (See Government Code Section 6254(f)).

6. LOCATION AND SITE PLANS

6.1. The application shall include a thorough description of the proposed CCOP holder location, including but not limited to the overall property, building, and floor plan.

6.2. The application shall include at least one (1) photograph of the building frontage or street view of the vacant parcel.

6.3. Premises (Site) Diagram for each proposed location. In addition to the Premises (Security) Diagram, applicants shall submit a premises/site and building floor plan diagram that focuses on the overall property and building(s). This diagram should show the parcel and adjoining or neighboring buildings that may be affected by the CCOP holder.

6.3.1. A Premise (Site) Diagram must be accurate, dimensioned and to-scale (minimum scale of 1/4"). The diagram shall provide a detailed description of all available/shared parking spaces, driveway locations, and auxiliary buildings on the parcel. (Blueprints and engineering site plans are not required to be submitted with the initial application but may be requested by the City during the application evaluation process. Security features are not required for this section.)

RESOLUTION NO. 2022 - _____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN
BRUNO ADDING FEES RELATED TO THE COMMERCIAL CANNABIS
OPERATOR'S PERMIT TO THE MASTER FEE SCHEDULE**

WHEREAS, the City Council adopted resolutions updating the Master Fee Schedule and adopting the user fee cost recovery policy on June 22, 2021;

WHEREAS, on October 11, 2022, the City Council adopted ordinances to establish regulations related to commercial cannabis businesses and associated permits. An ordinance included amendments to Title 4 (Licenses and Regulations) to add a new chapter 4.70 pertaining to Commercial Cannabis Operators Permits. The CCOP requires an annual permit renewal;

WHEREAS, as the CCOP is a new permit type, the City Council must add new fees related to the CCOP to the Master Fee Schedule;

WHEREAS, consistent with the City Council policy to maximize cost recovery for development related services, the CCOP fee is proposed to be deposit based with an initial deposit amount set in the Master Fee Schedule. All applicants will be required to submit a deposit for each CCOP application. Time spent by City staff and any City consultant in reviewing applications and administering the application process will be tracked and charged against the initial deposit amount. All direct costs including legal and public notices will be charged to the applicant. The deposit amount is based on the preliminary cost estimates analysis; however, applicants may be required to post an additional deposit, if necessary, for the City to complete the application review processes. Any remaining deposit balance that is unused will be returned to the Applicant;

WHEREAS, City staff prepared a Commercial Cannabis Operator's Permit Fee Study ("Fee Study"), provided as Exhibit A. The Fee Study provides preliminary costs estimates for all City staff time required to review and process the Permit. The estimated cost of processing the CCOP based on fully burdened rates by the city is estimated at \$11,161.00. This is the recommended initial deposit for the CCOP application;

WHEREAS, based on the Fee Study, the estimated cost of renewal of a CCOP based on fully burdened rates by the city is estimated at \$2,745.00 as shown on Exhibit A;

WHEREAS, as part of the CCOP process, applicants will be required to undergo a full background check by the Police Department, and costs related to the background check are required to be paid by the applicant;

WHEREAS, staff recommends amending the Master Fee Schedule to include fees for the CCOP process; and

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby adopts the following CCOP fees, to be effective on November 10, 2022, and directs such fees to be added to the Master Fee Schedule:

XIII. Other Review Fees (Planning)			
Section	Description		Fee
Sec. 1303	Commercial Cannabis Operator's Permit	Applicant responsible for All Direct Costs, Actual Cost Staff Time and Consultant Time. Deposit required	Initial Deposit: \$11,161.00
Sec. 1304	Commercial Cannabis Operator's Permit Renewal	Applicant responsible for All Direct Costs, Actual Cost Staff Time and Consultant Time. Deposit required	Initial Deposit: \$2,745.00

IX. Cannabis Establishment (Police)	
Commercial Cannabis Operator's Permit Review and Background Checks	Actual Costs of investigations and background checks
Commercial Cannabis Operator's Permit Renewal and Background Checks	Actual Costs of investigations and background checks

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I hereby certify that foregoing **Resolution No. 2022 - _____**
was introduced and adopted by the San Bruno City Council at a regular meeting on
October 11, 2022, by the following vote:

AYES: Councilmembers:
NOES: Councilmembers
ABSENT: Councilmembers:

Vicky S. Hasha, Deputy City Clerk

Exhibit A: Commercial Cannabis Operator's Permit Fee Study

Exhibit A

Commercial Cannabis Operator's Permit Fee Study of Estimated Costs
October 2022

		Planning Fully Burdened Hourly Rate:	Police Fully Burdened Hourly Rate	Fire Fully Burdened Hourly Rate	Building Division Fully Burdened Hourly Rate	
		\$155.54	\$146.59	\$196.51	\$149.73	
Operator's Permit	Estimated Staff Hours					
Planning Applicant coordination during filing	4	\$ 622.16				
Processing of application by Planning	10	\$ 1,555.40				
Review of application and investigation by Police	20		\$ 2,931.80			
Review of application by Fire	4			\$ 786.04		
Review of application by Building	4				\$598.92	
Planning Coordination w/applicant and departments	10	\$ 1,555.40				
Report to City Council (Planning)	10	\$ 1,555.40				
City Council meeting and follow-up (Planning)	10	\$ 1,555.40				
Totals:	72	\$ 6,843.76	\$ 2,931.80	\$ 786.04	\$ 598.92	\$ 11,161

Operator's Permit Renewal	Estimate d Staff Hours					
Planning Applicant coordination during filing	1	\$ 155.54				
Processing of application by Planning	4	\$ 622.16				
Review of application and investigation by Police	10		\$ 1,465.90			
Review of application by Fire	1			\$ 196.51		
Review of application by Building	1				\$149.73	
Planning Coordination w/applicant and departments/renewal issuance	1	\$ 155.54				
Totals:	18	\$ 933.24	\$ 1,465.90	\$ 196.51	\$ 149.73	\$ 2,745

Additional Directs Costs will be incurred for any consultant time and public notices (including both mailed notices and newspaper legal ads)



City Council Agenda Item Staff Report

CITY OF SAN BRUNO

DATE: October 11, 2022

TO: Honorable Mayor and Members of the City Council

FROM: Jovan D. Grogan, City Manager

PREPARED BY: Darcy Smith, Assistant City Manager

SUBJECT: Hold Public Hearing, Read by Title Only and Adopt the Following Ordinances of the City of San Bruno:

- An Ordinance of the City of San Bruno Amending Chapter 11.02 (Administrative and Referenced Standards Code) of Title 11 (Buildings, Construction and Fire Protection) of the San Bruno Municipal Code and Adopting by Reference the 2022 California Referenced Standards Code and the 2022 Administrative Code
- An Ordinance of the City of San Bruno Amending Chapter 11.04 (Building Code) of Title 11 (Buildings, Construction and Fire Protection) of the San Bruno Municipal Code and Adopting by Reference the 2022 California Building Code Volumes 1 & 2, the 2022 Historical Building Code, and the 1997 Uniform Housing Code
- An Ordinance of the City of San Bruno Adopting Chapter 11.06 (Energy Code) of Title 11 (Buildings, Construction and Fire Protection) of the San Bruno Municipal Code and Adopting by Reference the 2022 California Energy Code
- An Ordinance of the City of San Bruno Adding Chapter 11.07 (Green Building Code) of Title 11 (Buildings, Construction and Fire Protection) of the San Bruno Municipal Code and Adopting by Reference the 2022 California Green Building Code
- An Ordinance of the City of San Bruno Amending Chapter 11.08 (Mechanical Code) of Title 11 (Buildings, Construction and Fire Protection) of the San Bruno Municipal Code and Adopting by Reference the 2022 California Mechanical Code
- An Ordinance of the City of San Bruno Adding Chapter 11.10 (Residential Code) of Title 11 (Buildings, Construction and Fire Protection) of the San Bruno Municipal Code and Adopting by Reference the 2022 California Residential Code
- An Ordinance of the City of San Bruno Amending Chapter 11.16 (Electrical Code) of Title 11 (Buildings, Construction and Fire Protection) of the San Bruno Municipal Code and Adopting by Reference the 2022 California Electrical Code
- An Ordinance of the City of San Bruno Amending Chapter 11.20 (Plumbing Code) of Title 11 (Buildings, Construction and Fire Protection) of the San Bruno Municipal Code and Adopting by Reference the 2022 California Plumbing Code
- An Ordinance of the City of San Bruno Adding Chapter 11.22 (Existing

Code) of Title 11 (Buildings, Construction and Fire Protection) of the San Bruno Municipal Code and Adopting by Reference the 2022 California Existing Code

- An Ordinance of the City of San Bruno Amending Chapter 11.24 (Fire Code) of Title 11 (Buildings, Construction and Fire Protection) of the San Bruno Municipal Code and Adopting by Reference the 2022 California Fire Code

BACKGROUND: The State of California Building Standards Commission adopted new State Building Codes, including the California Fire Code, referenced as the 2022 California Building Codes which become effective on January 1, 2023. The Commission typically prepares code updates every three years with mid-cycle adjustments. These Codes apply minimum construction standards for all construction throughout the State. As of January 1, 2023, the City is required by State law to enforce the California Building Standards Codes (CBSC). Therefore, they are by law applicable to all projects in San Bruno that obtain building permits.

Local jurisdictions are required to adopt the 2022 California Building Codes by reference. Jurisdictions may also adopt local amendments to these standard State codes to address unique local climatic, geographical and topographical conditions. To adopt these local amendments, the City Council must adopt specific findings in a related resolution. Amendments may also be made to administrative sections of the codes. The 2022 California Building Codes consist of 13 parts as follows:

Part 1 Administrative Code
Part 2 California Building Code (CBC)
Part 2.5 California Residential Code (CRC)
Part 3 California Electrical Code (CEC)
Part 4 California Mechanical Code (CMC)
Part 5 California Plumbing Code (CPC)
Part 6 California Energy Code
Part 7 (Currently Vacant)
Part 8 California Historical Building Code
Part 9 California Fire Code (CFC)
Part 10 California Existing Building Code
Part 11 California Green Building Standards
Part 12 California Reference Standards Code

On September 13, 2022, the City Council adopted a resolution making findings of local climatic, geological, and topographical conditions which support the local amendments. The adopted resolution is provided as Attachment 1 for reference.

On September 13, 2022, the City Council introduced, read by title only and waived further reading of the ordinances by a vote of 5-0-0. The City Council also set the public hearing on adoption of the ordinances for October 11, 2022. The ordinances which provide for the local adoption of the 2022 California Building Codes, with local amendments, are provided as Attachments 2 through 11.

DISCUSSION: The purpose of this item is to serve as a public hearing for reading by title only and adoption of the ordinances. A public hearing is required for adoption of State codes by reference pursuant to Government Code Sections 50022.1, et. seq. No changes have been made to the ordinances since introduction action on September 13, 2022, with the exception of one modification to the Ordinance adding Chapter 11.10 (Residential Code) of Title 11 (Buildings, Construction and Fire Protection) of the San Bruno Municipal Code and Adopting by Reference the 2022 California Residential Code. During the September 13, 2022 meeting, the City Council directed staff to modify the local amendments to the Residential Code related to required site information signage on construction fencing to include the Building Division's contact information. Staff modified the ordinance to reflect the requested information. Attachment 7 includes the modified ordinance for 2022 Residential Building Code. A summary of the ordinances and the local amendments are provided in this report, with additional details available in the City Council staff report for the September 13, 2022 meeting.

2022 State Code Major Updates Summary

Building Code Update. The 2022 Building code triennial update includes minor language restatements and refinements in addition to requiring more energy-efficient installation for new residential construction and additional safety measures such as expanding WUI requirement, and other energy-efficient installation for new commercial construction.

Fire Code Update. The 2022 Fire code update includes new requirements to authorize the code official to allow the removal of existing occupant use hose lines, to address all configurations of energy systems, including emergency power, standby power, fuel cell power, and stationary battery storage system requirements and to require a 24/7 Fire Watch.

San Bruno, like most jurisdictions, has historically adopted local amendments tailored to our locality. State law also requires the City to make findings that certain amendments to the state-adopted codes are necessary due to local climatic, geological, and topographical conditions. Amendments may also be made to administrative sections of the codes without State review. The explanation for these modifications which are necessitated by particular local conditions are delineated below.

Local Climatic, Geographical and Topographical Conditions

Local conditions have an adverse effect on the prevention of (1) major loss fires, (2) major earthquake damage, and (3) the potential for life and property loss, making necessary changes or modifications to the state building standards in order to provide a reasonable and appropriate degree of proper security and fire and life safety in this jurisdiction. Additional information is provided about these topics:

Climactic. San Bruno has several microclimates caused by its particular geography. San Bruno lies in the northern portion of the San Francisco Bay Area's peninsula climatological subregion. The Santa Cruz Mountains extend up the center of the San Francisco Peninsula, with elevations ranging from 500 feet to 2,000 feet. The largest gap in the Santa Cruz Mountains is the San Bruno Gap, which extends from Fort Funston on the Pacific Ocean to SFO Airport on San Francisco Bay. Because the gap is oriented in the same northwest-to-southwest direction as the prevailing winds, and because elevations in the gap are below 200 feet, marine air is easily able to flow through the gap in the direction of the Bay. Atmospheric conditions such as wind speed, wind direction, and air temperature interact with the physical features of the landscape to determine the movement and dispersal of air and air pollutants. Accordingly, San Bruno's microclimate is such that it is often windy. The winds create a significant fire threat to life and

property when they occur during periods of low humidity and high temperature. Sections of the City with large eucalyptus groves, as well as developments that border canyons with large quantities of flammable brush and undergrowth, present a significant fire threat.

Geological. San Bruno, which is only about six (6) square miles, has an active fault and two inactive faults running through it. The San Andreas Fault is considered active and passes through San Bruno running in a northwestern-southeasterly direction. Because of its active status, surface rupture potential is considered moderate to high, especially in western San Bruno. Further, state law governs development within designated areas along active fault lines pursuant to the Alquist-Priolo Special Studies Zone Act enacted in 1972. It requires cities and counties to regulate certain types of development within state delineated special study zones. Parts of San Bruno are located in Alquist-Priolo Earthquake Fault Zones thus signifying that an active fault may pose a risk of surface fault rupture to structures and therefore those areas warrant special planning and disclosures. Liquefaction is also a seismically induced hazard, which is more likely in areas underlain by clean sand lenses saturated by high groundwater. These conditions are found near the freeway, interstate interchanges, airport lands, some schools, parks and jail lands.

There are also other geologic hazards including landslides, mudslides, and erosion that may be related to seismic activity or may occur independently. Slope instability may be induced by a number of factors including heavy rainfall, grading and construction that disrupt natural drainage courses and undermine burdened hillsides. San Bruno has been adversely affected by a number of landslides.

In addition, San Bruno's particular geological situation allows it to provide ground water in addition to receiving surface supply from Hetch Hetchy in order to service the community. However, both systems are susceptible to damage in an earthquake thereby impacting the city's ability to deliver water during a catastrophic event. Due to the aged water infrastructure, an earthquake could present a fire potential and hazardous materials risk that would overwhelm the City's capability to suppress fires and respond to hazardous material incidents. The increased requirement for fire sprinklers would provide an additional means of protection in the community to help mitigate this potential.

Because of low elevations and other factors, flooding periodically occurs during heavy rains and simultaneous high tides. Some low-lying areas are also subject to potential flood hazards, such as City Park, some schools, and the central business district.

Topographic. The greatest fire hazards occur in areas close to natural vegetation, primarily in and above Crestmoor Canyon, and in the western foothills. Heavily wooded, chaparral and grass-covered slopes are highly flammable during dry months, particularly if there is accumulated undergrowth. Access for firefighters and equipment is difficult due to the terrain and lack of streets in undeveloped areas. Other fire hazards occur in urbanized areas including those associated with the transmission of jet fuel to the San Francisco International Airport. Industrial chemicals and processing activities occurring in industrial areas of the City contribute to fire hazards and these may be compounded by crowded conditions where there is not much separation between buildings.

Conclusion. Local climactic, geographical and topographical conditions impact fire prevention efforts relating to the spread, acceleration, intensity, and size of fire involving buildings and vegetative areas in this City. Further, they impact potential damage to all structures, from

earthquake and subsequent fire. On September 13, 2022, the City Council adopted a resolution making findings of local climatic, geological, and topographical conditions which support the local amendments building standards set forth in the state codes in order to mitigate the effects of the above.

Building Code Amendments:

The 2022 California Building Codes are effective on January 1, 2023. Therefore, it is important that the proposed ordinances containing the City's local amendments be adopted. These amendments are necessary to account for local climatic, geological, or topographical conditions, as well as local administrative or construction related special needs.

Adoption and Proposed Local Amendments to the 2022 California Building Code

Staff recommends re-adoption, modifying, or deleting previous amendments to the 2019 Building Code identified in 11.04.020 of the San Bruno Municipal Code (SBMC). The most notable new local amendments include:

- Site Address Identification
 - Section 501.2 amended to ensure address identification is legible and placed in a position that is visible from the street or road fronting to facilitate emergency response.

Adoption and Proposed Local Amendments to the 2022 California Residential Code

Staff recommends adding chapter 11.10 (Residential Code) and adopting and amending the 2022 California Residential Code to the San Bruno Municipal Code (SBMC). The most notable new amendments include:

- Construction Fencing
 - Section R300.3 added for requirements for projects completing substantial construction where the structure does not meet the minimum habitable requirements in the Health and Safety code, shall provide protection for adjoining public and private property to protect from damage and theft during construction, remodeling, and demolition work. Protection will be required maintained in place and kept in good order for the entire length of construction.
- Existing Emergency Escape Windows
 - Size requirement for emergency escape windows.

Adoption and Proposed Local Amendments, deletions, and additions to the 2022 California Existing Code

Staff recommends adding chapter 11.22 (Existing Code) and adopting and amending the 2022 California Existing Code to the San Bruno Municipal Code (SBMC). The most notable new amendments include:

- Existing Emergency Escape Windows
 - Size requirement for emergency escape windows.
- Site Address Identification

- Section R319.1 amended to include revised illumination and height requirements

Fire Code Amendment:

The California Building Standards Commission based the new code for this code adoption cycle on the 2021 edition of the International Fire Code. The proposed ordinance adopts the 2022 State code with local amendments including, but not limited to:

- Mobile Food Preparation Vehicles
- General Definitions
- Recreational Fires
- Nuisance Alarm Notification
- Multiple Nuisance Alarm Activations
- Records Reporting
- Lithium-ion Batteries in Vehicles
- Accessible Combustible and Noncombustible Sub-Floors
- Existing Group R Occupancies and
- Combination Alarm Systems

Additionally, the proposed ordinance includes additional definitions pertaining to the local amendments and updated section numbers.

Next Steps:

If the City Council takes action to adopt these ordinances, staff will file copies of the ordinances and adopted resolution with the California Building Standards Commission and State Department of Housing and Community Development.

To better communicate the Building Division's processes, staff plan to present the relevant information on the City's website in a section targeted to applicants for new construction, alterations, additions, or rebuilds. Additionally, staff will post a notice on the Building Division counters and other City communication methods.

FISCAL IMPACT: There is no fiscal impact from the adoption of the Ordinances.

ENVIRONMENTAL IMPACT: The proposed ordinances qualify for an exemption from the requirements of the California Environmental Quality Act (CEQA) pursuant to Title 14 of the California Code of Regulations, Section 15061(b)(3) and 15378 (b)(5), because the ordinances are not a Project that has the potential for causing a significant effect on the environment.

RECOMMENDATION: Hold Public Hearing, Read by Title Only and Adopt the Following Ordinances of the City of San Bruno:

- An Ordinance of the City of San Bruno Amending Chapter 11.02 (Administrative and Referenced Standards Code) of Title 11 (Buildings, Construction and Fire Protection) of the San

Bruno Municipal Code and Adopting by Reference the 2022 California Referenced Standards Code and the 2022 Administrative Code

- An Ordinance of the City of San Bruno Amending Chapter 11.04 (Building Code) of Title 11 (Buildings, Construction and Fire Protection) of the San Bruno Municipal Code and Adopting by Reference the 2022 California Building Code Volumes 1 & 2, the 2022 Historical Building Code, and the 1997 Uniform Housing Code
- An Ordinance of the City of San Bruno Adopting Chapter 11.06 (Energy Code) of Title 11 (Buildings, Construction and Fire Protection) of the San Bruno Municipal Code and Adopting by Reference the 2022 California Energy Code
- An Ordinance of the City of San Bruno Adding Chapter 11.07 (Green Building Code) of Title 11 (Buildings, Construction and Fire Protection) of the San Bruno Municipal Code and Adopting by Reference the 2022 California Green Building Code
- An Ordinance of the City of San Bruno Amending Chapter 11.08 (Mechanical Code) of Title 11 (Buildings, Construction and Fire Protection) of the San Bruno Municipal Code and Adopting by Reference the 2022 California Mechanical Code
- An Ordinance of the City of San Bruno Adding Chapter 11.10 (Residential Code) of Title 11 (Buildings, Construction and Fire Protection) of the San Bruno Municipal Code and Adopting by Reference the 2022 California Residential Code
- An Ordinance of the City of San Bruno Amending Chapter 11.16 (Electrical Code) of Title 11 (Buildings, Construction and Fire Protection) of the San Bruno Municipal Code and Adopting by Reference the 2022 California Electrical Code
- An Ordinance of the City of San Bruno Amending Chapter 11.20 (Plumbing Code) of Title 11 (Buildings, Construction and Fire Protection) of the San Bruno Municipal Code and Adopting by Reference the 2022 California Plumbing Code
- An Ordinance of the City of San Bruno Adding Chapter 11.22 (Existing Code) of Title 11 (Buildings, Construction and Fire Protection) of the San Bruno Municipal Code and Adopting by Reference the 2022 California Existing Code
- An Ordinance of the City of San Bruno Amending Chapter 11.24 (Fire Code) of Title 11 (Buildings, Construction and Fire Protection) of the San Bruno Municipal Code and Adopting by Reference the 2022 California Fire Code

ALTERNATIVES:

1. Direct staff to make modifications to the ordinances; substantive modifications will require re-introduction at a subsequent meeting.

ATTACHMENTS:

1. Resolution- 2022 Fire and Building Code Amendments (Adopted on September 13, 2022)
2. Ordinance adopting by reference the 2022 Administrative and the 2022 California Reference Standards Code (Ch. 11.02)
3. Ordinance adopting by reference the 2022 Building Code (Ch. 11.04)
4. Ordinance adopting by reference the 2022 Energy Code (Ch. 11.06)
5. Ordinance adopting by reference the 2022 Green Building Code (Ch. 11.07)
6. Ordinance adopting by reference the 2022 Mechanical Code (Ch. 11.08)
7. Ordinance adopting by reference the 2022 Residential Code (Ch. 11.10)
8. Ordinance adopting by reference the 2022 Electrical Code (Ch. 11.16)
9. Ordinance adopting by reference the 2022 Plumbing Code (Ch. 11.20)
10. Ordinance adopting by reference the 2022 Existing Code (Ch. 11.22)
11. Ordinance adopting by reference the 2022 Fire Code (11.24)

RESOLUTION NO. 2022 - 86

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN BRUNO ADOPTING FINDINGS OF NECESSITY AND NEED FOR AMENDMENTS, DELETIONS, AND ADDITIONS TO THE 2022 FIRE AND BUILDING CODES.

WHEREAS, concurrent with this resolution, the City Council of the City of San Bruno will adopt the California Building Standards Code which consists of the 2022 editions of the California Building Code, Volumes 1 & 2, the 2022 California Historical Building Code, the 2022 California Existing Building Code, the 2022 Residential Code, the 2022 California Energy Code, 2022 Green Building Standards Code, the 2022 California Plumbing Code, the 2022 Mechanical Code, the 2022 Electrical Code, the 2022 Fire Code, and readopt the 1997 Uniform Housing Code (collectively herein “the Fire and Building Codes.”);

WHEREAS, it is the intent of the City Council of San Bruno to formally adopt the 2022 Fire and Building Codes at its regular meeting of October 11, 2022 for that purpose;

WHEREAS, California Health and Safety Code seeks to have uniform building standards in substantially the same format throughout the state;

WHEREAS, the City of San Bruno is authorized by Health and Safety Code Sections 17958.5 and 17958.7 to impose modifications on the California Building Standards, providing such modifications are more stringent than state standards and the modifications “are reasonably necessary because of local climatic, geological or topographical conditions”; and

WHEREAS, the City Council of San Bruno has determined and finds that the attached changes and modifications are needed and reasonably necessary because of local climactic, geological or topographical conditions in San Bruno.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of San Bruno that the following findings are made in support of modifications, amendments, additions and deletions to the Fire and Building Codes.

Local Conditions generally: Local conditions have an adverse effect on the prevention of (1) major loss fires, (2) major earthquake damage, and (3) the potential for life and property loss, making necessary changes or modifications to the state building standards in order to provide a reasonable and appropriate degree of proper security and fire and life safety in this jurisdiction. Below are listed adverse local climactic, geographical, and topographic conditions largely articulated in the City’s General Plan and associated environmental impact report. Modifications which are necessitated by particular local conditions are delineated below.

1. Climactic

San Bruno has several microclimates caused by its particular geography. San Bruno lies in the northern portion of the San Francisco Bay Area’s peninsula climatological subregion. The Santa Cruz Mountains extend up the center of the San Francisco Peninsula, with elevations ranging from 500 feet to 2,000 feet. The largest gap in the Santa Cruz Mountains is the San Bruno Gap, which extends from Fort Funston on the Pacific Ocean to SFO Airport on San Francisco Bay. Because the gap is oriented in the same northwest-to-southwest direction as the prevailing winds, and because elevations in the gap are below 200 feet, marine air is easily able to flow through the gap in the direction of the Bay. Atmospheric conditions such as wind speed, wind direction, and air temperature interact with the physical features of the landscape to determine the movement and dispersal of air and air pollutants. Accordingly, San Bruno’s microclimate is such that it is often windy. The winds create a significant fire threat to life and property when they occur during periods of low humidity and high temperature. Sections of the City with large eucalyptus groves, as well as developments that border canyons with large quantities of flammable brush and undergrowth, present a significant fire threat.

2. Geological

San Bruno, which is only about six (6) square miles, has an active fault and two inactive faults running through it. The San Andreas Fault is considered active and passes through San Bruno running in a northwestern-southeasterly direction. Because of its active status, surface rupture potential is considered moderate to high, especially in western San Bruno. Further, state law governs development within designated areas along active fault lines pursuant to the Alquist-Priolo Special Studies Zone Act enacted in 1972. It requires cities and counties to regulate certain types of development within state delineated special study zones. Parts of San Bruno are located in Alquist-Priolo Earthquake Fault Zones thus signifying that an active fault may pose a risk of surface fault rupture to structures and therefore those areas warrant special planning and disclosures. Liquefaction is also a seismically induced hazard, which is more likely in areas underlain by clean sand lenses saturated by high groundwater. These conditions are found near the freeway, interstate interchanges, airport lands, some schools, parks and jail lands.

There are also other geologic hazards including landslides, mudslides, and erosion that may be related to seismic activity or may occur independently. Slope instability may be induced by a number of factors including heavy rainfall, grading and construction that disrupt natural drainage courses and undermine burdened hillsides. San Bruno has been adversely affected by a number of landslides.

In addition, San Bruno's particular geological situation allows it to provide ground water in addition to receiving surface supply from Hetch Hetchy in order to service the community. However, both systems are susceptible to damage in an earthquake thereby impacting the city's ability to deliver water during a catastrophic event. Due to the aged water infrastructure, an earthquake could present a fire potential and hazardous materials risk that would overwhelm the City's capability to suppress fires and respond to hazardous material incidents. The increased requirement for fire sprinklers would provide an additional means of protection in the community to help mitigate this potential.

Because of low elevations and other factors, flooding periodically occurs during heavy rains and simultaneous high tides. Some low-lying areas are also subject to potential flood hazards, such as City Park, some schools, and the central business district.

3. Topographic

The greatest fire hazards occur in areas close to natural vegetation, primarily in and above Crestmoor Canyon, and in the western foothills. Heavily wooded, chaparral and grass-covered slopes are highly flammable during dry months, particularly if there is accumulated undergrowth. Access for firefighters and equipment is difficult due to the terrain and lack of streets in undeveloped areas. Other fire hazards occur in urbanized areas including those associated with the transmission of jet fuel to the San Francisco International Airport. Industrial chemicals and processing activities occurring in industrial areas of the City contribute to fire hazards and these may be compounded by crowded conditions where there is not much separation between buildings.

Conclusion: Local climactic, geographical and topographical conditions impact fire prevention efforts relating to the spread, acceleration, intensity, and size of fire involving buildings and vegetative areas in this City. Further, they impact potential damage to all structures, from earthquake and subsequent fire. The City Council finds it is needed and necessary to modify the building standards set forth in the state codes in order to mitigate the effects of the above conditions.

The following table provides code sections that have been modified along with the associated local condition that necessitates the modification:

Code	Section	Local Condition
Building Code	107.6, 113.1, 114.4, 501.2, 1505.1	1, 2, 3
Existing Building Code	CEBC 506A.4	1,2,3
Residential Code	R319.1, R341	1,2,3
Fire Code	102.14, 105.5, 107, 111.1, 111.2, 111.3, 112.4, 202, 307.4.2, 319, 401.3.2, 503.1, 505, 506, 507, 508, 510, 606, 901, 903.2, 905, 907, 5003, 5601	1, 2, 3

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby adopts the findings of necessity and need for amendments, deletions, and additions to the 2022 Fire and Building Code for the City of San Bruno.

---oOo---

I hereby certify that foregoing **Resolution No. 2022 - 86** was introduced and adopted by the San Bruno City Council at a regular meeting on September 13, 2022, by the following vote:

AYES: Councilmembers: Hamilton, M. Medina, Salazar, Mason, Mayor R. Medina

NOES: Councilmembers: None

ABSENT: Councilmembers: None


Vicky S. Hasha, Deputy City Clerk

ORDINANCE NO. _____

**AN ORDINANCE OF THE CITY OF SAN BRUNO AMENDING CHAPTER 11.02
(ADMINISTRATIVE AND REFERENCED STANDARDS CODE) OF TITLE 11
(BUILDINGS, CONSTRUCTION AND FIRE PROTECTION) OF THE SAN BRUNO
MUNICIPAL CODE AND ADOPTING BY REFERENCE THE 2022 CALIFORNIA
REFERENCED STANDARDS CODE AND THE 2022 ADMINISTRATIVE CODE**

The City Council of the City of San Bruno **ORDAINS** as follows:

SECTION 1. Existing Chapter 11.02 (Administrative and Referenced Standards Code) of Title 11 (Buildings, Construction and Fire Protection) of the San Bruno Municipal Code is hereby amended.

SECTION 2. FINDINGS.

WHEREAS, it is the intent of the City Council of San Bruno to formally adopt the 2022 Fire and Building Codes at its regular meeting of _____ for that purpose;

WHEREAS, the proposed San Bruno Municipal Code Amendments will be consistent with the General Plan and Specific Plans of the City of San Bruno; and

WHEREAS, California Health and Safety Code seeks to have uniform building standards in substantially the same format throughout the state; and

WHEREAS, the City of San Bruno is authorized by Health and Safety Code Sections 17958.5 and 17958.7 to impose modifications on the California Building Standards, providing such modifications are more stringent than state standards and the modifications “are reasonably necessary because of local climatic, geological or topographical conditions”; and

WHEREAS, the City Council of San Bruno has determined and finds that the attached changes and modifications are needed and reasonably necessary because of local climatic, geological or topographical conditions in San Bruno.

WHEREAS, on September 13, 2022, the City Council introduced the ordinance amendments and scheduled a public hearing. On _____, the City Council held a duly-noticed public hearing on the proposed Municipal Code amendment and on said date the public hearing was opened, held, and closed and the Ordinance was adopted.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of San Bruno that the following findings are made in support of modifications,

AMENDMENT TO CHAPTER 11.02 (ADMINISTRATIVE AND REFERENCED STANDARDS CODE) OF TITLE 11 (BUILDINGS, CONSTRUCTION AND FIRE PROTECTION)

Page 2 of 4

amendments, additions and deletions to the Fire and Building Codes.

SECTION 3. REGULATION.

San Bruno Municipal Code Chapter 11.02 (Administrative and Referenced Standards Code) of Title 11 (Buildings, Construction and Fire Protection) is hereby amended as shown in underline for additions and ~~striketrough~~ for deletions, as follows:

Chapter 11.02

ADMINISTRATIVE AND REFERENCED STANDARDS CODE

Sections:

- 11.02.010 Adoption of the ~~2016 2019~~ 2022 California Administrative Code and the ~~2016 2019 2022~~ California Referenced Standards Code.**
11.02.020 Violations.
-

11.02.010 Adoption of the ~~2016 2019~~ 2022 California Administrative Code

A. Certain documents are marked the “~~2016 2019~~ 2022California Referenced Standards Code” and the “~~2016 2019~~ 2022California Administrative Code.” One copy of these documents is on file in the office of the building official. The documents are published by the International Code Council and the California Building Standards Commission. The documents, together with any additions, deletions, amendments as set forth herein, and any future addenda or errata published by the State of California, are adopted as the administrative and referenced standards code for the building standards of the city of San Bruno, and may be cited as such.

B. No section of this chapter shall impose a mandatory duty of enforcement on the city, or on any officer, official, agent, employee, board, council, or commission thereof. Instead, if any section purports to impose a mandatory duty of enforcement, such section shall be deemed to invest the city, and the appropriate officer, official, agent, employee, board, council or commission thereof with the discretion to enforce the section, or not to enforce it.

11.02.020 Violations.

Any person, firm or corporation violating any provisions of this Code shall be deemed guilty of a misdemeanor, and each such person, firm or corporation shall be deemed guilty of a separate offense for each and every day or portion thereof

AMENDMENT TO CHAPTER 11.02 (ADMINISTRATIVE AND REFERENCED STANDARDS CODE) OF TITLE 11 (BUILDINGS, CONSTRUCTION AND FIRE PROTECTION)

Page 3 of 4

during which such violation exists and shall be punished as set forth in San Bruno Municipal Code Chapter 1.28.

SECTION 4. NO MANDATORY DUTY OF CARE. This Ordinance is not intended to and shall not be construed or given effect in a manner that imposes upon the City, or any officer or employee thereof, a mandatory duty of care towards persons or parties within the city or outside of the city, so as to provide a basis of civil liability for damages, except as otherwise imposed by law.

SECTION 5. CONSTITUTIONALITY; SEVERABILITY. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional, invalid or ineffective by a court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this Ordinance. The City Council hereby declares that it would have passed this Ordinance, and each section, subsection, sentence, clause and phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional, invalid or ineffective.

SECTION 6. CEQA EXEMPTION. The City Council finds, pursuant to Title 14 of the California Code of Regulations, Section 15061(b)(3) and 15378 (b)(5), that this Ordinance is exempt from the requirements of the California Environmental Quality Act (CEQA) in that it is not a Project that has the potential for causing a significant effect on the environment. The Council therefore directs that the Planning Division may file a Notice of Exemption with the San Mateo County Clerk.

SECTION 7. EFFECTIVE DATE. This Ordinance shall take effect on January 1, 2023.

SECTION 8. PUBLICATION. The City Clerk is directed to cause publication of this Ordinance as required by law.

---oOo---

I, Vicky Hasha, Deputy City Clerk, do hereby certify that the foregoing **Ordinance** No. ____ was introduced at a regular meeting of the San Bruno City Council on _____ and adopted by the San Bruno City Council at a regular meeting on _____, by the following vote:

**AMENDMENT TO CHAPTER 11.02 (ADMINISTRATIVE AND REFERENCED STANDARDS
CODE) OF TITLE 11 (BUILDINGS, CONSTRUCTION AND FIRE PROTECTION)**

Page 4 of 4

AYES: Councilmembers:

NOES: Councilmembers:

RECUSED: Councilmembers:

ABSENT: Councilmembers:

Vicky Hasha
Deputy City Clerk

APPROVED AS TO FORM:

City Attorney

AN ORDINANCE OF THE CITY OF SAN BRUNO AMENDING CHAPTER 11.04 (BUILDING CODE) OF TITLE 11 (BUILDING, CONSTRUCTION AND FIRE PROTECTION) OF THE SAN BRUNO MUNICIPAL CODE AND ADOPTING BY REFERENCE THE 2022 EDITION OF THE CALIFORNIA BUILDING CODE VOLUMES 1 & 2, THE 2022 HISTORICAL BUILDING CODE, AND THE 1997 UNIFORM HOUSING CODE

The City Council of the City of San Bruno **ORDAINS** as follows:

SECTION 1. Existing Chapter 11.04 (Building Code) of Title 11 (Buildings, Construction and Fire Protection) of the San Bruno Municipal Code is hereby amended.

SECTION 2. FINDINGS.

WHEREAS, it is the intent of the City Council of San Bruno to formally adopt the 2022 Fire and Building Codes at its regular meeting of October 11, 2022 for that purpose;

WHEREAS, the proposed San Bruno Municipal Code Amendments will be consistent with the General Plan and Specific Plans of the City of San Bruno; and

WHEREAS, California Health and Safety Code seeks to have uniform building standards in substantially the same format throughout the state; and

WHEREAS, the City of San Bruno is authorized by Health and Safety Code Sections 17958.5 and 17958.7 to impose modifications on the California Building Standards, providing such modifications are more stringent than state standards and the modifications “are reasonably necessary because of local climatic, geological or topographical conditions”; and

WHEREAS, the City Council of San Bruno has determined and finds that the attached changes and modifications are needed and reasonably necessary because of local climactic, geological or topographical conditions in San Bruno.

WHEREAS, on September 13, 2022, the City Council introduced the ordinance amendments and scheduled a public hearing. On October 11, 2022, the City Council held a duly-noticed public hearing on the proposed Municipal Code amendment and on said date the public hearing was opened, held, and closed and the Ordinance was adopted.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of San Bruno that the following findings are made in support of modifications, amendments, additions and deletions to the Fire and Building Codes.

SECTION 3. REGULATION.

Existing Chapter 11.04 (Building Code) of Title 11 (Buildings, Construction and Fire Protection) is hereby amended as shown in underline for additions and ~~strikethrough~~ for deletions, as follows:

AMENDMENT TO CHAPTER 11.04 (BUILDING CODE) OF TITLE 11 (BUILDINGS, CONSTRUCTION AND FIRE PROTECTION)

Page 2 of 7

BUILDING CODE

Sections:

- 11.04.010** Adoption of the ~~2016 2019~~ 2022 California Building Code, Volumes 1 & 2, the ~~2013~~ 2022 California Historical Code, the ~~2016 2019~~ California Existing Building Code, the ~~2016 2019~~ Residential Building Code, the ~~2016 2019~~ Green Building Standards Code and the 1997 Uniform Housing Code the ~~2015 2018~~ International Building Code.
- 11.04.020** Amendments.
- 11.04.0430** Most restrictive code provision.
-

- 11.04.010** Adoption of the ~~2016 2019~~ 2022 California Building Code, Volumes 1 & 2, the ~~2013~~ 2022 California Historical Code, the ~~2016 2019~~ California Existing Building Code, the ~~2016 2019~~ Residential Building Code, the ~~2016 2019~~ Green Building Standards Code and the 1997 Uniform Housing Code the ~~2015 2018~~ International Building Code.

A. Certain documents are marked ~~2016 2019~~ 2022 California Building Code, Volumes 1 & 2, the ~~2016 2019~~ 2022 California Historical Code, the ~~2016 2019~~ California Existing Building Code, the ~~2016 2019~~ Residential Building Code, the ~~2016 2019~~ Green Building Standards and the 1997 Uniform Housing Code and the ~~2015 2018~~ International Building Code. The appendices to the ~~2016 2019~~ California Building Code are excluded from adoption except for CBC Appendix F—Rodent Proofing; Appendix I—Patio Covers; and Appendix J—Grading, which are specifically adopted. The appendices to the ~~2016 2019~~ Residential Building Code are excluded from adoption except Appendix C—Exit Terminals of Mechanical Draft and Direct Venting Systems; Appendix D—Recommended Procedure for Safety Inspection of (E) Appliance Installation; Appendix E—Manufactured Housing Use as Dwellings; Appendix G—Swimming Pools, Spas and Hot Tubs; Appendix H—Patio Covers; Appendix J—(E) Buildings and Structures; Appendix K—Sound Transmission; Appendix O—Gray Water Recycling Systems. A copy of these documents is on file in the office of the building official. The documents are published by the International Code Council and the California Building Standards Commission. The documents with additions, deletions and amendments set forth herein, and any future addenda or errata published by the State of California, are adopted as the building code for the building standards of the city of San Bruno, and may be cited as such.

B. No section of the city's building code shall impose a mandatory duty of enforcement on the city, or on any officer, official, agent, employee, board, council, or commission thereof. Instead, if any section purports to impose a mandatory duty of enforcement, such section shall be deemed to invest the city, and the appropriate officer, official, agent, employee, board, council or commission thereof with the discretion to enforce the section, or not to enforce it.

AMENDMENT TO CHAPTER 11.04 (BUILDING CODE) OF TITLE 11 (BUILDINGS, CONSTRUCTION AND FIRE PROTECTION)

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11.04.020 Amendments.

Amendments to the ~~2019~~ 2022 California Building Code are as follows:

A. Section 107.6 is added to the ~~2019~~ 2022 California Building Code to read as follows:

Protection from Airport Noise. Any residential structure located within the 65 CNEL as determined by the 2020 Noise Forecast adopted by the Comprehensive Airport Land Use Compatibility Plan (SFO CLUP) which is either newly constructed or renovated at a cost equal to or greater than 25% of the valuation shall meet noise insulation standards set by the Federal Aviation Administration.

Any section or table in any of the codes adopted by this chapter that allows any structure dimension to be unlimited must be approved by the building official and the fire code official.

B. Section ~~[A] 110.1 Inspections~~ - is added to the ~~2016~~ 2019 California Building Code to read as follows:

~~The covering of store front windows or obstructing the view in any manner that limits the ability of the Building Official to conduct a visual inspections from outside of building upon vacancy and or prior to and during tenant improvement work is prohibited.~~

C. Section 113.1 of the 2022 California Building Code is amended to read as follows:

Appeal and Review. The building official shall be charged with the duty and responsibility of administrating the provisions of this chapter.

Whenever it is provided herein that certain things shall be done in accordance with the order, opinion, or approval of the building official, such order, opinion or approval shall be complied with; provided, any person aggrieved thereby, or believing that such order, opinion or approval is erroneous or faulty, may appeal except as otherwise provided in this chapter, to the city manager in writing within seventy-two hours after such order, opinion or approval has been given, and the city manager shall affirm, modify or reverse the same within seventy-two (72) hours thereafter The decision of the city manager shall be final and conclusive. In the meantime, except in the case of immediate hazard, the order, opinion, or approval shall be deemed suspended until such person has exhausted his or her right of appeal as herein provided.

D. Section 114.4 of the 2022 California Building Code shall be amended to read as follows:

1. **114.4 Violation Penalties.** Any person, firm, or corporation who violates a provision of this code or fails to comply with any of the requirements of thereof or who erects, constructs, alters or repairs a building or structure in

AMENDMENT TO CHAPTER 11.04 (BUILDING CODE) OF TITLE 11 (BUILDINGS, CONSTRUCTION AND FIRE PROTECTION)

Page 4 of 7

violation of the approved construction documents or directive of the building official, or of a permit or certificate issued under the provisions of this code, shall be deemed guilty of a misdemeanor, and each such person, firm or corporation shall be deemed guilty of a separate offense for each and every day or portion thereof during which such violation exists and shall be punished as set forth in San Bruno Municipal Code Chapter 1.28.

E. Section 502.1 of the 2022 California Building Code shall be amended to read as follows:

502.1.1 Address Identification. When the structure is thirty-six (36) to fifty (50) feet from the street or fire apparatus access, a minimum of one-half inch (1/2") stroke by six inches (6") high is required.

502.1.2 Multi-Tenant Buildings. Numbers or letters shall be designated on all occupancies within a building. Size shall be one-half inch (1/2") stroke by four inches (4") high and on a contrasting background. Directional address numbers or letters shall be provided. Said addresses or numbers shall be posted at a height no greater than 5 feet, 6 inches (5' 6") above the finished floor and shall be either internally or externally illuminated in all new construction.

502.1.3 Rear Addressing. When required by the fire code official, approved numbers or addresses shall be placed on all new and existing buildings in such a position as to be plainly visible and legible from the fire apparatus road at the back of a property or where rear parking lots or alleys provide and acceptable vehicular access.

~~Newly constructed site address identification in occupancies regulated by this code shall be illuminated and receive their primary power from building wiring. Wiring shall be permanent and without a disconnecting switch other than those required for overcurrent protection.~~

F. ~~Section 701.1 Inspection and Certification, of the California Building Code shall be amended to read as follows:~~

~~The determination of Wildland Urban Interface Fire areas and the appropriate non-combustible materials for construction in those areas shall be determined by the City Fire Marshal and Building Official.~~

G. Section 1505.1 Table 1505.1 of the 2022 California Building Code is amended to read as follows:

The minimum roof covering classification for all types of construction regulated by this code in San Bruno shall be Class B fire-retardant rating

AMENDMENT TO CHAPTER 11.04 (BUILDING CODE) OF TITLE 11 (BUILDINGS, CONSTRUCTION AND FIRE PROTECTION)

Page 5 of 7

~~H. Sections R319.1 Site Address Identification is amended to read as follows:~~

~~Newly constructed site address identification of R Occupancies shall be illuminated and receive their primary power from building wiring. Wiring shall be permanent and without a disconnecting switch other than those required for overcurrent protection.~~

~~I. Section R403.1.3 of the California Residential Code is amended as follows:~~

~~Minimum reinforcement shall be two continuous longitudinal reinforcing bars not smaller than No. 4 bars.~~

~~J. Section R602.10.4 and Table 602.10.4 of the California Residential Code is amended as follows:~~

~~Gypsum wall board (method GB) and plaster (method PCP) shall not be considered for braced wall panels.~~

11.04.030 Most restrictive code provision.

If a discrepancy occurs between the municipal code and the state building codes, the municipal code shall apply. If a discrepancy occurs between the state codes adopted pursuant to this chapter, the most restrictive code shall prevail as interpreted by the building official.

SECTION 4. NO MANDATORY DUTY OF CARE. This Ordinance is not intended to and shall not be construed or given effect in a manner that imposes upon the City, or any officer or employee thereof, a mandatory duty of care towards persons or parties within the city or outside of the city, so as to provide a basis of civil liability for damages, except as otherwise imposed by law.

SECTION 5. CONSTITUTIONALITY; SEVERABILITY. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional, invalid or ineffective by a court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this Ordinance. The City Council hereby declares that it would have passed this Ordinance, and each section, subsection, sentence, clause and phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional, invalid or ineffective.

SECTION 6. CEQA EXEMPTION. The City Council finds, pursuant to Title 14 of the California Code of Regulations, Section 15061(b)(3) and 15378 (b)(5), that this Ordinance is exempt from the requirements of the California Environmental Quality Act

AMENDMENT TO CHAPTER 11.04 (BUILDING CODE) OF TITLE 11 (BUILDINGS, CONSTRUCTION AND FIRE PROTECTION)

Page 6 of 7

(CEQA) in that it is not a Project that has the potential for causing a significant effect on the environment. The Council therefore directs that the Planning Division may file a Notice of Exemption with the San Mateo County Clerk.

SECTION 7. EFFECTIVE DATE. This Ordinance shall take effect on January 1, 2023.

SECTION 8. PUBLICATION. The City Clerk is directed to cause publication of this Ordinance as required by law.

---oOo---

I, Vicky Hasha, Deputy City Clerk, do hereby certify that the foregoing **Ordinance** No. ____ was introduced at a regular meeting of the San Bruno City Council on _____ and adopted by the San Bruno City Council at a regular meeting on _____, by the following vote:

AYES: Councilmembers:

NOES: Councilmembers: _____

RECUSED: Councilmembers: _____

ABSENT: Councilmembers: _____

Vicky Hasha
Deputy City Clerk

APPROVED AS TO FORM:

City Attorney

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF SAN BRUNO AMENDING 11.06 (ENERGY CODE) OF TITLE 11 (BUILDINGS, CONSTRUCTION AND FIRE PROTECTION) OF THE SAN BRUNO MUNICIPAL CODE AND ADOPTING BY REFERENCE THE 2022 CALIFORNIA ENERGY CODE

The City Council of the City of San Bruno **ORDAINS** as follows:

SECTION 1. Existing Chapter 11.06 (Energy Code) of Title 11 (Buildings, Construction and Fire Protection) of the San Bruno Municipal Code is hereby amended.

SECTION 2. FINDINGS.

WHEREAS, it is the intent of the City Council of San Bruno to formally adopt the 2022 Fire and Building Codes at its regular meeting of _____ for that purpose;

WHEREAS, the proposed San Bruno Municipal Code Amendments will be consistent with the General Plan and Specific Plans of the City of San Bruno; and

WHEREAS, California Health and Safety Code seeks to have uniform building standards in substantially the same format throughout the state; and

WHEREAS, the City of San Bruno is authorized by Health and Safety Code Sections 17958.5 and 17958.7 to impose modifications on the California Building Standards, providing such modifications are more stringent than state standards and the modifications “are reasonably necessary because of local climatic, geological or topographical conditions”; and

WHEREAS, the City Council of San Bruno has determined and finds that the attached changes and modifications are needed and reasonably necessary because of local climactic, geological or topographical conditions in San Bruno.

WHEREAS, on September 13, 2022, the City Council introduced the ordinance amendments and scheduled a public hearing. On _____, the City Council held a duly-noticed public hearing on the proposed Municipal code amendment and on said date the public hearing was opened, held, and closed and the Ordinance was adopted.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of San Bruno that the following findings are made in support of modifications, amendments, additions and deletions to the Fire and Building Codes.

SECTION 3. REGULATION.

AMENDMENT TO CHAPTER 11.06 (ENERGY CODE) OF TITLE 11 (BUILDINGS, CONSTRUCTION AND FIRE PROTECTION)

Page 2 of 4

Existing Chapter 11.06 (Energy Code) of Title 11 (Buildings, Construction and Fire Protection) is amended as shown in underline for additions and ~~strikethrough~~ for deletions, as follows:

Chapter 11.06

ENERGY CODE

Sections:

11.06.010 Adoption of the ~~2016 2019~~ 2022 California Energy Code.

11.06.020 Violations.

11.06.010 Adoption of the ~~2016 2019~~ 2022 California Energy Code.

A. Certain documents are marked “~~2016 2019~~ 2022 California Energy Code”. One copy of this document is on file in the office of the City Building Official. The documents are published by the International Conference of Building Officials and the California Building Standards Commission. The documents and appendix 1 A, printed therein, together with any additions, deletions, amendments as set forth herein, and any future addenda or errata published by the State of California, are adopted as the energy code for the building standards of the city of San Bruno, and may be cited as such.

B. No section of the City’s Energy Code shall impose a mandatory duty of enforcement on the city, or on any officer, official, agent, employee, board, council, or commission thereof. Instead, if any section purports to impose a mandatory duty of enforcement, such section shall be deemed to invest the city, and the appropriate officer, official, agent, employee, board, council or commission thereof with the discretion to enforce the section, or not to enforce it.

11.06.020 Violations.

Any person, firm, or corporation violating any provisions of this code shall be deemed guilty of a misdemeanor, and each such person, firm, or corporation, shall be deemed guilty of a separate offense for each and every day or portion thereof during which such violation exists and shall be punished as set forth in San Bruno Municipal Code Chapter 1.28.

SECTION 4. **NO MANDATORY DUTY OF CARE.** This Ordinance is not intended to and shall not be construed or given effect in a manner that imposes upon the City, or any officer or employee thereof, a mandatory duty of care towards persons or parties within the city or outside of the city, so as to provide a basis of civil liability for damages, except as otherwise imposed by law.

AMENDMENT TO CHAPTER 11.06 (ENERGY CODE) OF TITLE 11 (BUILDINGS, CONSTRUCTION AND FIRE PROTECTION)

Page 3 of 4

SECTION 5. CONSTITUTIONALITY; SEVERABILITY. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional, invalid or ineffective by a court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this Ordinance. The City Council hereby declares that it would have passed this Ordinance, and each section, subsection, sentence, clause and phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional, invalid or ineffective.

SECTION 6. CEQA EXEMPTION. The City Council finds, pursuant to Title 14 of the California Code of Regulations, Section 15061(b)(3) and 15378 (b)(5), that this Ordinance is exempt from the requirements of the California Environmental Quality Act (CEQA) in that it is not a Project that has the potential for causing a significant effect on the environment. The Council therefore directs that the Planning Division may file a Notice of Exemption with the San Mateo County Clerk.

SECTION 7. EFFECTIVE DATE. This Ordinance shall take effect on January 1, 2023.

SECTION 8. PUBLICATION. The City Clerk is directed to cause publication of this Ordinance as required by law.

---oOo---

I, Vicky Hasha, Deputy City Clerk, do hereby certify that the foregoing **Ordinance** No. ____ was introduced at a regular meeting of the San Bruno City Council on _____ and adopted by the San Bruno City Council at a regular meeting on _____, by the following vote:

AYES: Councilmembers:

NOES: Councilmembers: _____

RECUSED: Councilmembers: _____

ABSENT: Councilmembers: _____

Vicky Hasha
Deputy City Clerk

APPROVED AS TO FORM:

City Attorney

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF SAN BRUNO ADDING CHAPTER 11.07 (GREEN BUILDING CODE) OF TITLE 11 (BUILDINGS, CONSTRUCTION AND FIRE PROTECTION) OF THE SAN BRUNO MUNICIPAL CODE AND ADOPTING BY REFERENCE THE 2022 CALIFORNIA GREEN BUILDING CODE

The City Council of the City of San Bruno **ORDAINS** as follows:

SECTION 1. Adding Chapter 11.07 (Green Building Code) of Title 11 (Buildings, Construction and Fire Protection) of the San Bruno Municipal Code is hereby amended.

SECTION 2. FINDINGS.

WHEREAS, it is the intent of the City Council of San Bruno to formally adopt the 2022 Fire and Building Codes at its regular meeting of September 13, 2022 for that purpose;

WHEREAS, the proposed San Bruno Municipal Code Amendments will be consistent with the General Plan and Specific Plans of the City of San Bruno; and

WHEREAS, California Health and Safety Code seeks to have uniform building standards in substantially the same format throughout the state; and

WHEREAS, the City of San Bruno is authorized by Health and Safety Code Sections 17958.5 and 17958.7 to impose modifications on the California Building Standards, providing such modifications are more stringent than state standards and the modifications "are reasonably necessary because of local climatic, geological or topographical conditions"; and

WHEREAS, the City Council of San Bruno has determined and finds that the attached changes and modifications are needed and reasonably necessary because of local climatic, geological or topographical conditions in San Bruno.

WHEREAS, on September 13, 2022, the City Council introduced the ordinance amendments and scheduled a public hearing. On _____, the City Council held a duly-noticed public hearing on the proposed Municipal code amendment and on said date the public hearing was opened, held, and closed and the Ordinance was adopted.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of San Bruno that the following findings are made in support of modifications, amendments, additions and deletions to the Fire and Building Codes.

SECTION 3. REGULATION.

ADDING CHAPTER 11.07 (GREEN BUILDING CODE) OF TITLE 11 (BUILDINGS, CONSTRUCTION AND FIRE PROTECTION)

Page 2 of 4

Adding Chapter 11.07 (Green Building Code) of Title 11 (Buildings, Construction and Fire Protection) and is amended as follows:

Chapter 11.07

GREEN BUILDING CODE

Sections:

11.07.010 Adoption of the 2022 California Green Building Code.
11.07.020 Violations.

11.07.010 Adoption of the 2022 California Green Building Code.

A. Certain documents are marked “2022 California Green Building Code”. One copy of this document is on file in the office of the City Building Official. The documents are published by the International Conference of Building Officials and the California Building Standards Commission. The documents and appendix 1 A, printed therein, together with any additions, deletions, amendments as set forth herein, and any future addenda or errata published by the State of California, are adopted as the energy code for the building standards of the city of San Bruno, and may be cited as such.

B. No section of the City’s Green Building Code shall impose a mandatory duty of enforcement on the city, or on any officer, official, agent, employee, board, council, or commission thereof. Instead, if any section purports to impose a mandatory duty of enforcement, such section shall be deemed to invest the city, and the appropriate officer, official, agent, employee, board, council or commission thereof with the discretion to enforce the section, or not to enforce it.

11.07.020 Violations.

Any person, firm, or corporation violating any provisions of this code shall be deemed guilty of a misdemeanor, and each such person, firm, or corporation, shall be deemed guilty of a separate offense for each and every day or portion thereof during which such violation exists and shall be punished as set forth in San Bruno Municipal Code Chapter 1.28.

SECTION 4. NO MANDATORY DUTY OF CARE. This Ordinance is not intended to and shall not be construed or given effect in a manner that imposes upon the City, or any officer or employee thereof, a mandatory duty of care towards persons or parties within the city or outside of the city, so as to provide a basis of civil liability for damages, except as otherwise imposed by law.

SECTION 5. CONSTITUTIONALITY; SEVERABILITY. If any section, subsection,

ADDING CHAPTER 11.07 (GREEN BUILDING CODE) OF TITLE 11 (BUILDINGS, CONSTRUCTION AND FIRE PROTECTION)

Page 3 of 4

sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional, invalid or ineffective by a court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this Ordinance. The City Council hereby declares that it would have passed this Ordinance, and each section, subsection, sentence, clause and phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional, invalid or ineffective.

SECTION 6. CEQA EXEMPTION. The City Council finds, pursuant to Title 14 of the California Code of Regulations, Section 15061(b)(3) and 15378 (b)(5), that this Ordinance is exempt from the requirements of the California Environmental Quality Act (CEQA) in that it is not a Project that has the potential for causing a significant effect on the environment. The Council therefore directs that the Planning Division may file a Notice of Exemption with the San Mateo County Clerk.

SECTION 7. EFFECTIVE DATE. This Ordinance shall take effect on January 1, 2023.

SECTION 8. PUBLICATION. The City Clerk is directed to cause publication of this Ordinance as required by law.

---oOo---

I, Vicky Hasha, Deputy City Clerk, do hereby certify that the foregoing **Ordinance** No. ____ was introduced at a regular meeting of the San Bruno City Council on _____ and adopted by the San Bruno City Council at a regular meeting on _____, by the following vote:

AYES: Councilmembers:

NOES: Councilmembers: _____

RECUSED: Councilmembers: _____

ABSENT: Councilmembers: _____

**ADDING CHAPTER 11.07 (GREEN BUILDING CODE) OF TITLE 11 (BUILDINGS,
CONSTRUCTION AND FIRE PROTECTION)**
Page 4 of 4

Vicky Hasha
Deputy City Clerk

APPROVED AS TO FORM:

City Attorney

ORDINANCE NO. _____

**AN ORDINANCE OF THE CITY OF SAN BRUNO AMENDING CHAPTER
11.08 (MECHANICAL CODE) OF TITLE 11 (BUILDINGS,
CONSTRUCTION AND FIRE PROTECTION) OF THE SAN BRUNO
MUNICIPAL CODE ADOPTING BY REFERENCE THE 2022 CALIFORNIA
MECHANICAL CODE**

The City Council of the City of San Bruno **ORDAINS** as follows:

SECTION 1. Existing Chapter 11.08 (Mechanical Code) of Title 11 (Buildings, Construction and Fire Protection) of the San Bruno Municipal Code is hereby amended.

SECTION 2. FINDINGS.

WHEREAS, it is the intent of the City Council of San Bruno to formally adopt the 2022 Fire and Building Codes at its regular meeting of _____ for that purpose;

WHEREAS, the proposed San Bruno Municipal Code Amendments will be consistent with the General Plan and Specific Plans of the City of San Bruno; and

WHEREAS, California Health and Safety Code seeks to have uniform building standards in substantially the same format throughout the state; and

WHEREAS, the City of San Bruno is authorized by Health and Safety Code Sections 17958.5 and 17958.7 to impose modifications on the California Building Standards, providing such modifications are more stringent than state standards and the modifications “are reasonably necessary because of local climatic, geological or topographical conditions”; and

WHEREAS, the City Council of San Bruno has determined and finds that the attached changes and modifications are needed and reasonably necessary because of local climactic, geological or topographical conditions in San Bruno.

WHEREAS, on September 13, 2022, the City Council introduced the ordinance amendments and scheduled a public hearing. On _____, the City Council held a duly-noticed public hearing on the proposed Municipal code amendment and on said date the public hearing was opened, held, and closed and the Ordinance was adopted.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of San Bruno that the following findings are made in support of modifications, amendments, additions and deletions to the Fire and Building Codes.

SECTION 3. REGULATION.

Existing Chapter 11.08 (Mechanical Code) of Title 11 (Buildings, Construction and Fire Protection) is amended as shown in underline for additions and ~~striketrough~~ for deletions, as follows:

**AMENDMENT TO CHAPTER 11.08 (MECHANICAL CODE) OF TITLE 11
(BUILDINGS, CONSTRUCTION AND FIRE PROTECTION)**

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MECHANICAL CODE

Sections:

11.08.010 Adoption of the 2016 2019 2022 California Mechanical Code.

11.08.020 Amendments.

11.08.010 Adoption of the 2016 2019 2022 California Mechanical Code.

A. Certain documents are marked “2016 2019 2022 California Mechanical Code.” One copy of this document is on file in the office of the building official. The documents are published by the International Code Council and the California Building Standards Commission. The documents (and any appendices printed therein, if any) with additions, deletions and amendments as set forth herein, and any future addenda or errata published by the State of California, are adopted as the mechanical code for the building standards of the city of San Bruno, and may be cited as such.

B. No section of the City’s Mechanical Code shall impose a mandatory duty of enforcement on the city, or on any officer, official, agent, employee, board, council, or commission thereof. Instead, if any section purports to impose a mandatory duty of enforcement, such section shall be deemed to invest the city, and the appropriate officer, official, agent, employee, board, council or commission thereof with the discretion to enforce the section, or not to enforce it.

11.08.020 Amendments.

Amendments, additions, and deletions to the 2016 2019 2022 California Mechanical Section are as follows:

~~A. Section 108.4.2, Fees and plan review, is amended by the addition of the following:~~

~~**Section 108.4.2.1—General** Fees shall be assessed as set forth in the fee schedule adopted the City Council.~~

~~**Section 108.4.2.2—Permit Fees** the fee for each permit shall be established by resolution of the City Council.~~

~~**Section 108.4.2.3—Plan Review Fees** when submittal documents are required by Section 108.4.3, a plan review fee shall be paid at the time of submitting the submittal documents for plan review. Said plan review fee shall be established by resolution of the City Council. The plan review fees specified in this subsection are separate fees from the permit fees specified in Section 108.4.2.1 and are in addition to the permit fees. When submittal documents are incomplete or changed so as to require additional plan review, an additional plan review fee shall be charged as established by resolution of the City Council.~~

B. Section ~~108.8~~ 107.0 of the 2016 2019 2022 California Mechanical Code, is amended

AMENDMENT TO CHAPTER 11.08 (MECHANICAL CODE) OF TITLE 11 (BUILDING, CONSTRUCTION AND FIRE PROTECTION)

Page 3 of 4

to read as follows:

Appeal and Review

- a) The building official shall be charged with the duty and responsibility of administering the provisions of this chapter.
- b) Whenever it is provided herein that certain things shall be done in accordance with the order, opinion, or approval of the building official, such order, opinion or approval shall be complied with; provided, any person aggrieved thereby, or believing that such order, opinion or approval is erroneous or faulty, may appeal except as otherwise provided in this chapter, to the city manager in writing within seventy-two hours after such order, opinion or approval has been given, and the city manager shall affirm, modify or reverse the same within seventy-two (72) hours thereafter. The decision of the city manager shall be final and conclusive. In the meantime, except in the case of immediate hazard, the order, opinion, or approval shall be deemed suspended until such person has exhausted his or her right of appeal as herein provided.

~~C. Section 111.2.1.3 of the 2019 California Mechanical Code, is amended to read as follows:~~

~~Any person, firm or corporation violating any provisions of this Code shall be deemed guilty of a misdemeanor, and each such person, firm or corporation shall be deemed guilty of a separate offense for each and every day or portion thereof during which such violation exists and shall be punished as set forth in San Bruno Municipal Code Chapter 1.28.~~

SECTION 4. NO MANDATORY DUTY OF CARE. This Ordinance is not intended to and shall not be construed or given effect in a manner that imposes upon the City, or any officer or employee thereof, a mandatory duty of care towards persons or parties within the city or outside of the city, so as to provide a basis of civil liability for damages, except as otherwise imposed by law.

SECTION 5. CONSTITUTIONALITY; SEVERABILITY. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional, invalid or ineffective by a court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this Ordinance. The City Council hereby declares that it would have passed this Ordinance, and each section, subsection, sentence, clause and phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional, invalid or ineffective.

SECTION 6. CEQA EXEMPTION. The City Council finds, pursuant to Title 14 of the California Code of Regulations, Section 15061(b)(3) and 15378 (b)(5), that this Ordinance is exempt from the requirements of the California Environmental Quality Act (CEQA) in that it is not a Project that has the potential for causing a significant effect on the environment. The Council therefore directs that the Planning Division may file a Notice of Exemption with the San Mateo County Clerk.

AMENDMENT TO CHAPTER 11.08 (MECHANICAL CODE) OF TITLE 11 (BUILDING, CONSTRUCTION AND FIRE PROTECTION)

Page 4 of 4

SECTION 7. EFFECTIVE DATE. This Ordinance shall take effect on January 1, 2023.

SECTION 8. PUBLICATION. The City Clerk is directed to cause publication of this Ordinance as required by law.

---oOo---

I, Vicky Hasha, Deputy City Clerk, do hereby certify that the foregoing **Ordinance** No. ____ was introduced at a regular meeting of the San Bruno City Council on _____ and adopted by the San Bruno City Council at a regular meeting on _____, by the following vote:

AYES: Councilmembers: _____

NOES: Councilmembers: _____

RECUSED: Councilmembers: _____

ABSENT: Councilmembers: _____

Vicky Hasha
Deputy City Clerk

APPROVED AS TO FORM:

City Attorney

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF SAN BRUNO ADDING CHAPTER 11.10 (RESIDENTIAL CODE) OF TITLE 11 (BUILDINGS, CONSTRUCTION AND FIRE PROTECTION) OF THE SAN BRUNO MUNICIPAL CODE AND ADOPTING BY REFERENCE THE 2022 CALIFORNIA RESIDENTIAL CODE

The City Council of the City of San Bruno **ORDAINS** as follows:

SECTION 1. Adding Chapter 11.10 (Residential Code) of Title 11 (Buildings, Construction and Fire Protection) of the San Bruno Municipal Code is hereby amended.

SECTION 2. FINDINGS.

WHEREAS, it is the intent of the City Council of San Bruno to formally adopt the 2022 Fire and Building Codes at its regular meeting of September 13, 2022 for that purpose;

WHEREAS, the proposed San Bruno Municipal Code Amendments will be consistent with the General Plan and Specific Plans of the City of San Bruno; and

WHEREAS, California Health and Safety Code seeks to have uniform building standards in substantially the same format throughout the state; and

WHEREAS, the City of San Bruno is authorized by Health and Safety Code Sections 17958.5 and 17958.7 to impose modifications on the California Building Standards, providing such modifications are more stringent than state standards and the modifications "are reasonably necessary because of local climatic, geological or topographical conditions"; and

WHEREAS, the City Council of San Bruno has determined and finds that the attached changes and modifications are needed and reasonably necessary because of local climatic, geological or topographical conditions in San Bruno.

WHEREAS, on September 13, 2022, the City Council introduced the ordinance amendments and scheduled a public hearing. On _____, the City Council held a duly-noticed public hearing on the proposed Municipal code amendment and on said date the public hearing was opened, held, and closed and the Ordinance was adopted.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of San Bruno that the following findings are made in support of modifications, amendments, additions and deletions to the Fire and Building Codes.

SECTION 3. REGULATION.

ADDING CHAPTER 11.10 (RESIDENTIAL CODE) OF TITLE 11 (BUILDINGS, CONSTRUCTION AND FIRE PROTECTION)

Page 2 of 5

Adding Chapter 11.10 (Residential Code) of Title 11 (Buildings, Construction and Fire Protection) and is amended as follows:

Chapter 11.10

RESIDENTIAL CODE

Sections:

- 11.10.010 Adoption of the 2022 California Residential Code.**
 - 11.10.020 Amendments.**
 - 11.10.030 Violations.**
-

11.10.010 Adoption of the 2022 California Residential Code.

A. Certain documents are marked “2022 California Residential Code”. One copy of this document is on file in the office of the City Building Official. The documents are published by the International Conference of Building Officials and the California Building Standards Commission. The documents and appendix 1 A, printed therein, together with any additions, deletions, amendments as set forth herein, and any future addenda or errata published by the State of California, are adopted as the energy code for the building standards of the city of San Bruno, and may be cited as such.

B. No section of the City’s Residential Code shall impose a mandatory duty of enforcement on the city, or on any officer, official, agent, employee, board, council, or commission thereof. Instead, if any section purports to impose a mandatory duty of enforcement, such section shall be deemed to invest the city, and the appropriate officer, official, agent, employee, board, council or commission thereof with the discretion to enforce the section, or not to enforce it.

11.10.020 Amendments.

Amendments to the 2022 California Residential Codes are as follows:

A. Section R319.1 is amended as follows:

R319.1 Address identification. Buildings shall be provided with approved address identification. The address identification shall be legible and placed in a position that is visible from the street or road fronting the property. Directional address numbers or letters shall be provided. Said addresses or numbers shall be posted at a height no greater than five (5) feet, six (6) inches above the finished floor and shall be either internally or

ADDING CHAPTER 11.10 (RESIDENTIAL CODE) OF TITLE 11 (BUILDINGS, CONSTRUCTION AND FIRE PROTECTION)

Page 3 of 5

externally illuminated in all new construction. Address identification characters shall contrast with their background. Address numbers shall be Arabic numbers or alphabetical letters. Numbers shall not be spelled out. Each character shall be not less than 4 inches (102 mm) in height with a stroke width of not less than 0.5 inch (12.7 mm). Where required by the fire code official, address identification shall be provided in additional approved locations to facilitate emergency response. Where access is by means of a private road and the building address cannot be viewed from the public way, a monument, pole or other sign or means shall be used to identify the structure. Address identification shall be maintained.

R319.1.1: Rear Addressing. When required by the fire code official, approved numbers or addresses shall be placed on all new and existing buildings in such a position as to be plainly visible and legible from the fire apparatus road behind a property or where rear parking lots or alleys provide acceptable vehicular access.

B. Section R341 is added as follows:

R341 Construction Fencing. For projects completing substantial construction where the structure does not meet the minimum habitable requirements in the Health and Safety code, protection shall be provided for adjoining public and private property to protect from damage and theft during construction, remodeling, and demolition work.

R341.1 Protection shall be maintained in place and kept in good order for the entire length of construction

R341.2 The construction site shall be secured by temporary chain-linked fencing, with a minimum height of seventy-two (72) inches; the chain-link fence is to be made of galvanized steel and must include a top and bottom rail. The fencing must be adequately anchored to prevent movement and the effects of wind. No visible gaps in the fencing are allowed, including in between or underneath panels.. Gates must be sliding or in-swinging and close tightly with no gaps in or around them.

R341.3 When the construction site is adjacent to any public right-of-way, the fence adjacent to the right-of-way shall have a visual/dust barrier or screening. The screen is to be constructed of green knitted polyethylene or canvas securely fixed to the inside face of the fencing and shall be maintained in a taut condition throughout the project. No twisted wire is to protrude on the exterior side of the fence. No tears or rips greater than two (2) inches in any dimension are permitted. Any screening that is torn or ripped or fencing or barricades that have been defaced will be replaced at the contractor's expense within 48 hours.

R341.4 In addition to the required screening, the temporary chain-link fencing facing a public right-of-way shall be set back two (2) feet from any property line or sidewalk, if site conditions allow. All areas visible from the public right-of-way shall be maintained free of weeds and litter.

R341.5 Construction projects shall include the following language in their project specifications, conditions of approval, and/or building permit:

- 1. Any construction site or staging area fencing facing a public right of way shall include a sign, securely installed on the fence that is made of durable and waterproof materials that provide the following information: the name and emergency contact telephone number of the general contractor and the City of San Bruno Building Division contact information. The sign lettering shall be large enough to be read from ten feet away and the sign shall not extend above the top of the fence**

ADDING CHAPTER 11.10 (RESIDENTIAL CODE) OF TITLE 11 (BUILDINGS, CONSTRUCTION AND FIRE PROTECTION)

Page 4 of 5

11.10.030 Violations.

Any person, firm, or corporation violating any provisions of this code shall be deemed guilty of a misdemeanor, and each such person, firm, or corporation, shall be deemed guilty of a separate offense for each and every day or portion thereof during which such violation exists and shall be punished as set forth in San Bruno Municipal Code Chapter 1.28.

SECTION 4. NO MANDATORY DUTY OF CARE. This Ordinance is not intended to and shall not be construed or given effect in a manner that imposes upon the City, or any officer or employee thereof, a mandatory duty of care towards persons or parties within the city or outside of the city, so as to provide a basis of civil liability for damages, except as otherwise imposed by law.

SECTION 5. CONSTITUTIONALITY; SEVERABILITY. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional, invalid or ineffective by a court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this Ordinance. The City Council hereby declares that it would have passed this Ordinance, and each section, subsection, sentence, clause and phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional, invalid or ineffective.

SECTION 6. CEQA EXEMPTION. The City Council finds, pursuant to Title 14 of the California Code of Regulations, Section 15061(b)(3) and 15378 (b)(5), that this Ordinance is exempt from the requirements of the California Environmental Quality Act (CEQA) in that it is not a Project that has the potential for causing a significant effect on the environment. The Council therefore directs that the Planning Division may file a Notice of Exemption with the San Mateo County Clerk.

SECTION 7. EFFECTIVE DATE. This Ordinance shall take effect on January 1, 2023.

SECTION 8. PUBLICATION. The City Clerk is directed to cause publication of this Ordinance as required by law.

---oOo---

I, Vicky Hasha, Deputy City Clerk, do hereby certify that the foregoing **Ordinance** No. ____ was introduced at a regular meeting of the San Bruno City Council on _____ and adopted by the San Bruno City Council at a regular meeting on _____, by the following vote:

**ADDING CHAPTER 11.10 (RESIDENTIAL CODE) OF TITLE 11 (BUILDINGS,
CONSTRUCTION AND FIRE PROTECTION)**
Page 5 of 5

AYES: Councilmembers:

NOES: Councilmembers: _____

RECUSED: Councilmembers: _____

ABSENT: Councilmembers: _____

Vicky Hasha
Deputy City Clerk

APPROVED AS TO FORM:

City Attorney

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF SAN BRUNO AMENDING CHAPTER 11.16 (ELECTRICAL CODE) OF TITLE 11 (BUILDINGS, CONSTRUCTION AND FIRE PROTECTION) OF THE SAN BRUNO MUNICIPAL CODE AND ADOPTING BY REFERENCE THE 2022 CALIFORNIA ELECTRIC CODE

The City Council of the City of San Bruno **ORDAINS** as follows:

SECTION 1. Existing Chapter 11.16 (Electrical Code) of Title 11 (Buildings, Construction and Fire Protection) of the San Bruno Municipal Code is hereby amended.

SECTION 2. FINDINGS.

WHEREAS, it is the intent of the City Council of San Bruno to formally adopt the 2022 Fire and Building Codes at its regular meeting of _____ for that purpose;

WHEREAS, the proposed San Bruno Municipal Code Amendments will be consistent with the General Plan and Specific Plans of the City of San Bruno; and

WHEREAS, California Health and Safety Code seeks to have uniform building standards in substantially the same format throughout the state; and

WHEREAS, the City of San Bruno is authorized by Health and Safety Code Sections 17958.5 and 17958.7 to impose modifications on the California Building Standards, providing such modifications are more stringent than state standards and the modifications “are reasonably necessary because of local climatic, geological or topographical conditions”; and

WHEREAS, the City Council of San Bruno has determined and finds that the attached changes and modifications are needed and reasonably necessary because of local climactic, geological or topographical conditions in San Bruno.

WHEREAS, on September 13, 2022, the City Council introduced the ordinance amendments and scheduled a public hearing. On _____, the City Council held a duly-noticed public hearing on the proposed Municipal code amendment and on said date the public hearing was opened, held, and closed and the Ordinance was introduced.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of San Bruno that the following findings are made in support of modifications, amendments, additions and deletions to the Fire and Building Codes.

SECTION 3. REGULATION.

Existing Chapter 11.16 (Electrical Code) of Title 11 (Buildings, Construction and Fire Protection) is amended as shown in underline for additions and ~~strike through~~ for deletions,

AMENDMENT TO CHAPTER 11.16 (ELECTRICAL CODE) OF TITLE 11 (BUILDINGS, CONSTRUCTION AND FIRE PROTECTION)

Page 2 of 4

as follows:

Chapter 11.16 ELECTRICAL CODE

Sections:

- 11.16.010 ~~2016 2019~~ 2022 Adoption of the California Electrical Code.**
11.16.020 Amendments, additions and deletions to the ~~2016 2019~~ 2022 California Electrical Code.
-

11.16.010 Adoption of the ~~2016 2019~~ 2022 California Electrical Code.

A. The code of rules and regulations known and designated as the ~~2016 2019~~ 2022 California Electrical Code as published by the California Building Standards Commission as adopted and amended by the State of California is adopted. The documents (and the appendices printed with additions, deletions and amendments, and any future addenda or errata published by the State of California, are adopted as the electrical code for the building standards of the City of San Bruno, and may be cited as such. A copy of the code shall be kept in the office of the building official.

B. No section of the California Electrical Code shall impose a mandatory duty of enforcement on the city, or on any officer, official, agent, employee, board, council, or commission thereof. Instead, if any section purports to impose a mandatory duty of enforcement, such section shall be deemed to invest the city, and the appropriate officer, official, agent, employee, board, council or commission thereof with discretion to enforce the section, or not to enforce it.

11.16.020 Amendments, additions and deletions to the ~~2016 2019~~ 2022 California Electrical Code.

The amendments, additions and deletions to the ~~2016 2019~~ California Electrical Code are as follows:

- A. Section ~~89.108.8~~ 90.4 of the 2022 Electrical Code is amended by the addition of the following:

Appeal and Review

- a. The building official shall be charged with the duty and responsibility of administering the provisions of this chapter.
- b. Whenever it is provided herein that certain things shall be done in accordance with the order, opinion, or approval of the building official, such order, opinion or approval shall be complied with; provided, any person aggrieved thereby, or believing that such order, opinion or approval is erroneous or faulty, may appeal except as otherwise provided in this chapter, to the city manager in writing within seventy-two

AMENDMENT TO CHAPTER 11.16 (ELECTRICAL CODE) OF TITLE 11 (BUILDINGS, CONSTRUCTION AND FIRE PROTECTION)

Page 3 of 4

hours after such order, opinion or approval has been given, and the city manager shall affirm, modify or reverse the same within seventy-two (72) hours thereafter. The decision of the city manager shall be final and conclusive. In the meantime, except in the case of immediate hazard, the order, opinion, or approval shall be deemed suspended until such person has exhausted his or her right of appeal as herein provided.

- B. Section 90.4 of the 2022 California Electrical Code is amended by the addition of the following:

The authority having jurisdiction for enforcing this Code is the building official.

- C. Section ~~89.108.9.2~~, 90.4 of the 2022 California Electrical Code is amended by the addition of the following:

Violation Penalties. Any person, firm, or corporation violating any provision of this code shall be deemed guilty of a misdemeanor, and each such person, firm or corporation shall be deemed guilty of a separate offense for each and every day or portion thereof during which such violation exists and shall be punished as set forth in San Bruno Municipal Code Chapter 1.28.

SECTION 4. NO MANDATORY DUTY OF CARE. This Ordinance is not intended to and shall not be construed or given effect in a manner that imposes upon the City, or any officer or employee thereof, a mandatory duty of care towards persons or parties within the city or outside of the city, so as to provide a basis of civil liability for damages, except as otherwise imposed by law.

SECTION 5. CONSTITUTIONALITY; SEVERABILITY. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional, invalid or ineffective by a court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this Ordinance. The City Council hereby declares that it would have passed this Ordinance, and each section, subsection, sentence, clause and phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional, invalid or ineffective.

SECTION 6. CEQA EXEMPTION. The City Council finds, pursuant to Title 14 of the California Code of Regulations, Section 15061(b)(3) and 15378 (b)(5), that this Ordinance is exempt from the requirements of the California Environmental Quality Act (CEQA) in that it is not a Project that has the potential for causing a significant effect on the environment. The Council therefore directs that the Planning Division may file a Notice of Exemption with the San Mateo County Clerk.

SECTION 7. EFFECTIVE DATE. This Ordinance shall take effect on January 1, 2023.

**AMENDMENT TO CHAPTER 11.16 (ELECTRICAL CODE) OF TITLE 11 (BUILDINGS,
CONSTRUCTION AND FIRE PROTECTION)**

Page 4 of 4

SECTION 8. PUBLICATION. The City Clerk is directed to cause publication of this Ordinance as required by law.

---oOo---

I, Vicky Hasha, Deputy City Clerk, do hereby certify that the foregoing **Ordinance** No. ____ was introduced at a regular meeting of the San Bruno City Council on _____ and adopted by the San Bruno City Council at a regular meeting on _____, by the following vote:

AYES: Councilmembers: _____

NOES: Councilmembers: _____

RECUSED: Councilmembers: _____

ABSENT: Councilmembers: _____

Vicky Hasha
Deputy City Clerk

APPROVED AS TO FORM:

City Attorney

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF SAN BRUNO AMENDING CHAPTER 11.20 (PLUMBING CODE) OF TITLE 11 (BUILDINGS, CONSTRUCTION AND FIRE PROTECTION) OF THE SAN BRUNO MUNICIPAL CODE AND ADOPTING BY REFERENCE THE 2022 CALIFORNIA PLUMBING CODE

The City Council of the City of San Bruno **ORDAINS** as follows:

SECTION 1. Existing Chapter 11.20 (Plumbing Code) of Title 11 (Buildings, Construction and Fire Protection) of the San Bruno Municipal Code is hereby amended.

SECTION 2. FINDINGS.

WHEREAS, it is the intent of the City Council of San Bruno to formally adopt the 2019 Fire and Building Codes at its regular meeting of _____ for that purpose;

WHEREAS, the proposed San Bruno Municipal Code Amendments will be consistent with the General Plan and Specific Plans of the City of San Bruno; and

WHEREAS, California Health and Safety Code seeks to have uniform building standards in substantially the same format throughout the state; and

WHEREAS, the City of San Bruno is authorized by Health and Safety Code Sections 17958.5 and 17958.7 to impose modifications on the California Building Standards, providing such modifications are more stringent than state standards and the modifications “are reasonably necessary because of local climatic, geological or topographical conditions”; and

WHEREAS, the City Council of San Bruno has determined and finds that the attached changes and modifications are needed and reasonably necessary because of local climactic, geological or topographical conditions in San Bruno.

WHEREAS, on September 13, 2022, the City Council introduced the ordinance amendments and scheduled a public hearing. On _____, the City Council held a duly-noticed public hearing on the proposed Municipal code amendment and on said date the public hearing was opened, held, and closed and the Ordinance was adopted.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of San Bruno that the following findings are made in support of modifications, amendments, additions and deletions to the Fire and Building Codes.

SECTION 3. REGULATION.

Existing Chapter 11.20 (Plumbing Code) of Title 11 (Buildings, Construction and Fire Protection) is amended as shown in underline for additions and ~~strike through~~ for deletions, as follows:

AMENDMENT TO CHAPTER 11.20 (PLUMBING CODE) OF TITLE 11 (BUILDING, CONSTRUCTION AND FIRE PROTECTION)

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Chapter 11.20

PLUMBING CODE

Sections:

- 11.20.010 Adoption of the 2019 2022 California Plumbing Code.**
11.20.020 Amendments, additions and deletions to the California Plumbing Code.
-

11.20.010 Adoption of the 2016 2019 2022 California Plumbing Code.

A. Certain documents are marked “2016 2019 2022 California Plumbing Code.” One copy of this document is on file in the office of the building official. The documents are published by California Building Standards Commission and the International Association of Plumbing and Mechanical Officials. The documents (and any appendices printed therein) together with additions, deletions and amendments as set forth herein, and any future addenda or errata published by the State of California, are adopted as the plumbing code for the building standards of the City of San Bruno, and may be cited as such.

B. No section of the City’s Plumbing Code shall impose a mandatory duty of enforcement on the city, or on any officer, official, agent, employee, board, council, or commission thereof. Instead, if any section purports to impose a mandatory duty of enforcement, such section shall be deemed to invest the city, and the appropriate officer, official, agent, employee, board, council or commission thereof with the discretion to enforce the section, or not to enforce it.

11.20.020 Amendments, additions and deletions to the California Plumbing Code.

The amendments, additions and deletions to the 2016 2019 2022 California Plumbing Code are as follows:

- A. Section ~~408.8, 107.0~~ of the California Plumbing Code is amended to read:

Appeal and Review. The building official shall be charged with the duty and responsibility of administrating the provisions of this chapter.

Whenever it is provided herein that certain things shall be done in accordance with the order, opinion, or approval of the building official, such order, opinion or approval shall be complied with; provided, any person aggrieved thereby, or believing that such order, opinion or approval is erroneous or faulty, may appeal except as otherwise provided in this chapter, to the city manager in writing within seventy-two hours after such order, opinion or approval has been given, and the city manager shall affirm, modify or reverse the same within seventy-two (72) hours thereafter. The decision of the City Manager shall be final and conclusive. In the meantime, except in the case of immediate hazard, the order, opinion, or approval shall be deemed suspended until such person has exhausted

AMENDMENT TO CHAPTER 11.20 (PLUMBING CODE) OF TITLE 11 (BUILDING, CONSTRUCTION AND FIRE PROTECTION)

Page 3 of 4

his or her right of appeal as herein provided.

B. Section ~~108.9.2~~, 106.3 of the California Plumbing Code , is amended to read as follows:

Violation Penalties. Any person, firm, or corporation violating any provision of this code shall be deemed guilty of a misdemeanor, and each such person, firm or corporation shall be deemed guilty of a separate offense for each and every day or portion thereof during which such violation exists and shall be punished as set forth in San Bruno Municipal Code Chapter 1.28.

C. Section ~~203.0~~ 103.0 of the ~~2016 2019~~ 2022 California Plumbing Code is amended to read as follows:

Authority Having Jurisdiction. The administrative authority is the official authorized by the city to administer and enforce the provisions of the plumbing code as adopted or amended. The administrative authority shall be the building official.

SECTION 4. NO MANDATORY DUTY OF CARE. This Ordinance is not intended to and shall not be construed or given effect in a manner that imposes upon the City, or any officer or employee thereof, a mandatory duty of care towards persons or parties within the city or outside of the city, so as to provide a basis of civil liability for damages, except as otherwise imposed by law.

SECTION 5. CONSTITUTIONALITY; SEVERABILITY. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional, invalid or ineffective by a court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this Ordinance. The City Council hereby declares that it would have passed this Ordinance, and each section, subsection, sentence, clause and phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional, invalid or ineffective.

SECTION 6. CEQA EXEMPTION. The City Council finds, pursuant to Title 14 of the California Code of Regulations, Section 15061(b)(3) and 15378 (b)(5), that this Ordinance is exempt from the requirements of the California Environmental Quality Act (CEQA) in that it is not a Project that has the potential for causing a significant effect on the environment. The Council therefore directs that the Planning Division may file a Notice of Exemption with the San Mateo County Clerk.

SECTION 7. EFFECTIVE DATE. This Ordinance shall take effect on January 1, 2023.

SECTION 8. PUBLICATION. The City Clerk is directed to cause publication of this Ordinance as required by law.

**AMENDMENT TO CHAPTER 11.20 (PLUMBING CODE) OF TITLE 11 (BUILDING,
CONSTRUCTION AND FIRE PROTECTION)**

Page 4 of 4

I, Vicky Hasha, Deputy City Clerk, do hereby certify that the foregoing
Ordinance No. ____ was introduced at a regular meeting of the San Bruno City
Council on _____ and adopted by the San Bruno City Council at a regular
meeting on _____, by the following vote:

AYES: Councilmembers:

NOES: Councilmembers: _____

RECUSED: Councilmembers: _____

ABSENT: Councilmembers: _____

Vicky Hasha
Deputy City Clerk

APPROVED AS TO FORM:

City Attorney

ORDINANCE NO. _____

**AN ORDINANCE OF THE CITY OF SAN BRUNO ADDING CHAPTER 11.22
(EXISTING CODE) OF TITLE 11 (BUILDINGS, CONSTRUCTION AND FIRE
PROTECTION) OF THE SAN BRUNO MUNICIPAL CODE AND ADOPTING BY
REFERENCE THE 2022 CALIFORNIA EXISTING CODE**

The City Council of the City of San Bruno **ORDAINS** as follows:

SECTION 1. Adding Chapter 11.22 (Existing Code) of Title 11 (Buildings, Construction and Fire Protection) of the San Bruno Municipal Code is hereby amended.

SECTION 2. FINDINGS.

WHEREAS, it is the intent of the City Council of San Bruno to formally adopt the 2022 Fire and Building Codes at its regular meeting of September 13, 2022 for that purpose;

WHEREAS, the proposed San Bruno Municipal Code Amendments will be consistent with the General Plan and Specific Plans of the City of San Bruno; and

WHEREAS, California Health and Safety Code seeks to have uniform building standards in substantially the same format throughout the state; and

WHEREAS, the City of San Bruno is authorized by Health and Safety Code Sections 17958.5 and 17958.7 to impose modifications on the California Building Standards, providing such modifications are more stringent than state standards and the modifications "are reasonably necessary because of local climatic, geological or topographical conditions"; and

WHEREAS, the City Council of San Bruno has determined and finds that the attached changes and modifications are needed and reasonably necessary because of local climatic, geological or topographical conditions in San Bruno.

WHEREAS, on September 13, 2022, the City Council introduced the ordinance amendments and scheduled a public hearing. On _____, the City Council held a duly-noticed public hearing on the proposed Municipal code amendment and on said date the public hearing was opened, held, and closed and the Ordinance was adopted.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of San Bruno that the following findings are made in support of modifications, amendments, additions and deletions to the Fire and Building Codes.

SECTION 3. REGULATION.

ADDING CHAPTER 11.22 (EXISTING CODE) OF TITLE 11 (BUILDINGS, CONSTRUCTION AND FIRE PROTECTION)
Page 2 of 4

Adding Chapter 11.22 (Existing Code) of Title 11 (Buildings, Construction and Fire Protection) and is amended as follows:

Chapter 11.22

EXISTING CODE

Sections:

- 11.22.010 Adoption of the 2022 California Existing Code.**
11.22.020 Amendments.
11.22.030 Violations.
-

11.22.010 Adoption of the 2022 California Existing Code.

A. Certain documents are marked “2022 California Existing Code”. One copy of this document is on file in the office of the City Building Official. The documents are published by the International Conference of Building Officials and the California Building Standards Commission. The documents and appendix 1 A, printed therein, together with any additions, deletions, amendments as set forth herein, and any future addenda or errata published by the State of California, are adopted as the energy code for the building standards of the city of San Bruno, and may be cited as such.

B. No section of the City’s Existing Code shall impose a mandatory duty of enforcement on the city, or on any officer, official, agent, employee, board, council, or commission thereof. Instead, if any section purports to impose a mandatory duty of enforcement, such section shall be deemed to invest the city, and the appropriate officer, official, agent, employee, board, council or commission thereof with the discretion to enforce the section, or not to enforce it.

11.22.020 Amendments.

Amendments to the 2022 California Existing Codes are as follows:

A. Section 506A.4 is amended as follows:

Existing emergency escape and rescue openings. Where a change of occupancy would require an emergency escape and rescue opening in accordance with Section 1031.1 of the California Building Code, operable windows serving as the emergency escape and rescue opening shall comply with the following:

- ~~1. An existing operable window shall provide a minimum net clear opening of 4 square feet (0.38 m²) with a minimum net clear opening height of 22 inches (559 mm) and a minimum net clear opening width of 20 inches (508 mm).~~

ADDING CHAPTER 11.22 (EXISTING CODE) OF TITLE 11 (BUILDINGS, CONSTRUCTION AND FIRE PROTECTION)

Page 3 of 4

2 1. A replacement window where such window complies with both of the following:

~~2.1. The replacement window meets the size requirements in Item 1.~~

21.21. The replacement window is the manufacturer's largest standard size window that will fit within the existing frame or existing rough opening. The replacement window shall be permitted to be of the same operating style as the existing window or a style that provides for an equal or greater window opening area than the existing window.

11.22.030 Violations.

Any person, firm, or corporation violating any provisions of this code shall be deemed guilty of a misdemeanor, and each such person, firm, or corporation, shall be deemed guilty of a separate offense for each and every day or portion thereof during which such violation exists and shall be punished as set forth in San Bruno Municipal Code Chapter 1.28.

SECTION 4. NO MANDATORY DUTY OF CARE. This Ordinance is not intended to and shall not be construed or given effect in a manner that imposes upon the City, or any officer or employee thereof, a mandatory duty of care towards persons or parties within the city or outside of the city, so as to provide a basis of civil liability for damages, except as otherwise imposed by law.

SECTION 5. CONSTITUTIONALITY; SEVERABILITY. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional, invalid or ineffective by a court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this Ordinance. The City Council hereby declares that it would have passed this Ordinance, and each section, subsection, sentence, clause and phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional, invalid or ineffective.

SECTION 6. CEQA EXEMPTION. The City Council finds, pursuant to Title 14 of the California Code of Regulations, Section 15061(b)(3) and 15378 (b)(5), that this Ordinance is exempt from the requirements of the California Environmental Quality Act (CEQA) in that it is not a Project that has the potential for causing a significant effect on the environment. The Council therefore directs that the Planning Division may file a Notice of Exemption with the San Mateo County Clerk.

SECTION 7. EFFECTIVE DATE. This Ordinance shall take effect on January 1, 2023.

SECTION 8. PUBLICATION. The City Clerk is directed to cause publication of this Ordinance as required by law.

**ADDING CHAPTER 11.22 (EXISTING CODE) OF TITLE 11 (BUILDINGS, CONSTRUCTION
AND FIRE PROTECTION)**

Page 4 of 4

---oOo---

I, Vicky Hasha, Deputy City Clerk, do hereby certify that the foregoing **Ordinance**
No. ____ was introduced at a regular meeting of the San Bruno City Council on
_____ and adopted by the San Bruno City Council at a regular meeting on
_____, by the following vote:

AYES: Councilmembers:

NOES: Councilmembers: _____

RECUSED: Councilmembers: _____

ABSENT: Councilmembers: _____

Vicky Hasha
Deputy City Clerk

APPROVED AS TO FORM:

City Attorney

AN ORDINANCE OF THE CITY OF SAN BRUNO AMENDING 11.24 (FIRE CODE) OF TITLE 11 BUILDINGS, CONSTRUCTION AND FIRE PROTECTION) OF THE SAN BRUNO MUNICIPAL CODE AND ADOPTING BY REFERENCE THE 2022 CALIFORNIA FIRE CODE

The City Council of the City of San Bruno **ORDAINS** as follows:

Section 1. Chapter 11.24, Fire Code, of Title 11 (Buildings, Construction, and Fire Protection) of the San Bruno Municipal Code is hereby amended.

Section 2. New Chapter 11.24, Fire Code, of Title 11 (Buildings, Construction and Fire Protection) is hereby added to the San Bruno Municipal Code to read as follows, and also with text in brackets [example], which is explanatory and not part of the ordinance, and also with strikeout (~~example~~) to show deleted text, and underlined (example) to show added text:

Chapter 11.24

SAN BRUNO FIRE CODE

Sections:

11.24.010 Adoption of the California Fire Code & International Fire Code.

11.24.020 Establishment and duties of the Fire Prevention Division.

11.24.030 Amendments to the California Fire Code

11.24.010 Adoption of the California Fire Code & International Fire Code.

(A) There is adopted by the city for the purpose of prescribing regulations governing conditions hazardous to life and property from fire, explosion, or wildfire, those certain codes which building standards known as the ~~2022~~²⁰¹⁹ California Fire Code, ~~and the non-building standards known as the International Fire Code, 2018 Edition~~, together with including appendices B, D, and those adopted from the State, ~~except Appendix A, and the Public Resource Code, Division 4, Section 4291~~. One copy of these documents is on file in the office of the building official. The documents are published by the California Building Standards Commission. The documents (and appendices printed therein,) together with additions, deletions, and amendments as set forth herein, and any future addenda or errata published by the State of California, are adopted as the Fire Code for the City of San Bruno and may be cited as such.

(B) No section of the fire code for the building standards of the City of San Bruno shall impose a mandatory duty of enforcement on the city, or on any officer, official, agent, employee, board, council or commission thereof. Instead, if any section purports to impose a mandatory duty of enforcement, said section shall be deemed to invest the city, and the appropriate officer, official, agent, employee, board, council or commission thereof with discretion to enforce the section, or not to enforce it.

(C) The San Bruno Fire Department has determined that modifications to the 2021 International Fire Code with the 2022 California Amendments are needed and reasonably necessary due to local climatic, geological, and topographical conditions, which are incorporated fully herein.

11.24.020 Establishment and duties of the Fire Prevention Division.

The California Fire Code as adopted and amended herein shall be enforced by the city fire prevention division, which is hereby established, and which shall be operated under the supervision of the fire code official.

11.24.030 Amendments to the California Fire Code and International Fire Code.

Amendments, additions, and deletions to the California Fire Code, are as follows:

Chapter 1, Division II, Section 102.2, CFC is amended – Administrative, operational and maintenance provisions.

Section 102.2 is amended to delete item #2 of this action.

Chapter 1, Division II, Section 102.14 is added

102.14 The fire code official will maintain a set of design and installation standards that include but are not limited to: Address posting, Special Suppression Systems, Fire Apparatus Turnarounds, Turnouts, Knox Key Safe Installations, Emergency Responder Radio Coverage Systems, and Fire Sprinkler Systems. These standards are necessary for the City of San Bruno to provide a reasonable degree of fire and life safety for the community.

Chapter 1, Division II, Section 103.2, CFC is amended – Appointment.

Section 103.2 is deleted in its entirety.

Chapter 1, Division II, Section 105.56 is adopted in its entirety

105.5.1745 Fire Hydrants and Valves is amended by adding:

105.5.6-17 45.1 Where the duty of maintaining fire hydrants is not specified in any legal document, fire hydrants that are adjacent to public streets, or streets accepted with public easements, or streets with water mains maintained by the City, are to be maintained by the City. Fire hydrants that are adjacent to privately controlled or owned streets, or streets with water mains maintained by the property owner(s), are to be maintained by the private property owner(s) in accordance with the City Water Division and Fire Department adopted standards.

Chapter 1, Division II, Section 105.5.55 Mobile food Preparation vehicles is added:

105.5.55 A permit is required for mobile food preparation vehicles equipped with appliances that produce smoke or grease-laden vapors.

Chapter 1, Division II, Section 1076 Fees is amended to add the following::

1076.1.1 Investigation – Work without a Permit.

Investigation. Whenever construction or work for which a permit is required by this code, or any other code adopted or incorporated by reference as part of this code, has been commenced without first obtaining a permit, a special investigation shall be made before a permit may be issued for the work. Demolition of all or part of a structure or system without a required permit shall be subject to the investigation and fees imposed by this section.

1076.1.2 Fee – Work without a Permit.

An investigation fee, in addition to the permit fee, shall be collected as a civil penalty, whether or not a permit is then or subsequently issued. The investigation fee shall be up to 10 times the fire permit fee. The investigation fee shall be determined by the Fire Chief and shall be based on the staff time reasonably required to resolve all of the issues relegate to the work that has been performed without a permit. No construction work shall be issued until the investigation fee has been paid in full.

Any person assessed such a fee may file an appeal with the City Clerk within ten (10) days after written notice to such person of the assessment. A hearing upon such appeal shall thereafter be held by the City Council; its decisions thereon shall be final.

Nothing in this section shall relieve any persons from fully complying with the requirements of this code, or any codes incorporated by reference and made a part of this code in the execution of the work, or from any other fees or penalties prescribed by law.

~~1076.76~~ The fees for the permits and other services shall be as established by resolution of the San Bruno City Council. The fees shall be set to cover the cost of the Fire Department to review and inspect the intended activities, operations or functions.

Exceptions:

(1) The applicant for a given permit shall be exempt from the payment when the work to be conducted is for the City of San Bruno under written contract to the City or for events sponsored or co-sponsored by the City.

(2) Where processes or materials are inherent with a permit justifiable item, subsequent fees may be waived at the discretion of the Fire Chief.

(3) All fire permits and fire construction permits shall have a set number of inspections per permit as set forth by the San Bruno Fee Schedule. Additional inspections and additional re-inspections may be billed at an hourly rate consistent with the San Bruno Fee Schedule.

(4) Application for "event" type permits (i.e.: Assembly, Tents, etc.) shall be submitted 14 days prior to the event date. Applications submitted within 13 days prior to the event date may be charged double the regular permit rate as established by the San Bruno Fee Schedule.

(5) "After Hours" inspections shall be invoiced at a rate of one and one-half time the normal hourly rate. "After Hours" inspections will be billed at a rate of two hours minimum. "After Hours" inspections are defined as follows: Inspections conducted outside of normal business hours for the Fire Prevention Division.

Chapter 1, Division II, Section ~~11109~~. 1 is deleted in its entirety and replaced with the following:

~~11109.1~~ Appeals. The fire code official shall be charged with the duty and responsibility of administering the provisions of this chapter. Whenever it is provided herein that certain things shall be done in accordance with the order, opinion, or approval of the fire code official, such order, opinion or approval shall be complied with; provided, any person aggrieved thereby, or believing that such order, opinion or approval is erroneous or faulty, may appeal except as otherwise provided in this chapter, to the city manager in writing within seventy-two hours after such order, opinion or approval has been given, and the city manager shall affirm, modify or reverse the same within seventy-two (72) hours thereafter. The decision of the city manager shall be final and conclusive. In the meantime, except in the case of immediate hazard, the order, opinion, or approval shall be deemed suspended until such person has exhausted his or her right of appeal as herein provided.

~~111.2~~ Limitations on Authority. Deleted in its entirety

~~111.3~~ Qualifications. Deleted in its entirety

Chapter 1, Division II, Section ~~1120.4~~ is amended to read as follows:

~~1120.4~~ Violation Penalties.

Any person, firm, or corporation violating any provision of this Code shall be deemed guilty of a misdemeanor, and each such person, firm, or corporation, shall be deemed guilty of a separate offense for each and every day or portion thereof during which such violation exists and shall be punished as set forth in San Bruno Municipal Code Chapter 1.28.

Section 202, General Definitions, is amended to read as follows:

City Council. Shall mean the governing body of the City.

Combination Alarm System. Combination fire and burglar alarm system.

Fire Control Room. A separate room of fire-resistant construction that provides an area from which firefighting operations or other emergency procedures can be directed or controlled. It cannot be used for any other purpose. It contains controls, panels, telephones associated with a buildings fire services.

Mobile Food Preparation Vehicles. Vehicles that contain cooking equipment that produces smoke or grease-laden vapors for the purpose of preparing and serving food to the public. Vehicles intended for private recreation shall not be considered mobile food preparation vehicles.

Nuisance Alarm. An unwarranted and preventable alarm caused by mechanical failure, malfunction, improper installation or lack of proper maintenance, system servicing testing, construction activities, ordinary household activities, false alarm, other cause when no such danger exists, or an alarm activated by a cause that cannot be determined.

Chapter 307.4.2 is amended to read as follows:

307.4.2 Recreational Fires. When approved by the fire code official, recreational fires shall not be conducted within 25 feet (7620 mm) of a structure or combustible material. Conditions that could cause a fire to spread within 25 feet (7620 mm) of the structure shall be eliminated prior to ignition. If allowed, all such fires shall require a fire code permit.

~~Section 308, Open Flames. Section 308 Open Flames is amended by deleting section 308.1.4 of the California Fire Code.~~

Chapter 319 is added to read as follows:

Section 319 Mobile Food Preparation Vehicles added as amended below

319.1 General. Mobile food preparation vehicles that are equipped with appliances that produce smoke or grease-laden vapors shall comply with this section.

319.1.1 Health department approval. Mobile food preparation vehicles shall display a San Mateo County health apartment sticker as prescribed by County Health

319.2 Permit required. Permits shall be required as set forth in Section 105.5.55

319.3 Exhaust hood. Cooking equipment that produces grease-laden vapors shall be provided with a kitchen exhaust hood in accordance with Section 606.

319.4 Fire protection. Fire protection shall be provided in accordance with Sections 319.4.1 and 319.4.2.

319.4.1 Fire protection for cooking equipment. Cooking equipment shall be protected by automatic fire extinguishing systems in accordance with Section 904.13.

319.4.2 Fire extinguisher. Portable fire extinguishers shall be provided in accordance with Section 906.4.

319.5 Appliance connection to fuel supply piping. Gas cooking appliances shall be secured in place and connected to fuel-supply piping with an appliance connector complying with ANSI Z21.69/CSA 6.16. The connector installation shall be configured in accordance with the manufacturer's installation instructions. Movement of appliances shall be limited by restraining devices installed in accordance with the connector and appliance manufacturer's instructions.

319.6 Cooking oil storage containers. Cooking oil storage containers within mobile food preparation vehicles shall have a maximum aggregate volume not more than 120 gallons (454 L), and shall be stored in such a way as to not be toppled or damaged during transport.

319.7 Cooking oil storage tanks. Cooking oil storage tanks within mobile food preparation vehicles shall comply with Sections 319.7.1 through 319.7.5.2.

319.7.1 Metallic storage tanks. Metallic cooking oil storage tanks shall be listed in accordance with UL 80 or UL 142, and shall be installed in accordance with the tank manufacturer's instructions.

319.7.2 Nonmetallic storage tanks. Nonmetallic cooking oil storage tanks shall be installed in accordance with the tank manufacturer's instructions and shall comply with both of the following:

1. Tanks shall be listed for use with cooking oil, including maximum temperature to which the tank will be exposed during use.
2. Tank capacity shall not exceed 200 gallons (757L) per tank.

319.7.3 Cooking oil storage system components. Metallic and nonmetallic cooking oil storage system components shall include, but are not limited to, piping, connections, fittings, valves, tubing, hose, pumps, vents and other related components used for the transfer of cooking oil.

319.7.4 Design criteria. The design, fabrication and assembly of system components shall be suitable for the working pressures, temperatures and structural stresses to be encountered by the components.

319.7.5 Tank venting. Normal and emergency venting shall be provided for cooking oil storage tanks.

319.7.5.1 Normal vents. Normal vents shall be located above the maximum normal liquid line and shall have a minimum effective area not smaller than the largest filling or withdrawal connection. Normal vents are not required to vent to the exterior.

319.7.5.2 Emergency vents. Emergency relief vents shall be located above the maximum normal liquid line and shall be in the form of a device or devices that will relieve excessive internal pressure caused by an exposure fire. For nonmetallic tanks, the emergency relief vent shall be allowed to be in the form of construction. Emergency vents are not required to discharge to the exterior.

319.8 LP-gas systems. Where LP-gas systems provide fuel for cooking appliances, such systems shall comply with Chapter 61 and Sections 319.8.1 through 319.8.5.

319.8.1 Maximum aggregate volume. The maximum aggregate capacity of LP gas containers transported on the vehicle and used to fuel cooking appliances only shall not exceed 200 pounds (91 kg) propane capacity.

319.8.2 Protection of container. LP-gas containers installed on the vehicle shall be securely mounted and restrained to prevent movement.

319.8.3 LP-gas container construction. LP-gas containers shall be manufactured in compliance with the requirements of NFPA 58.

319.8.4 Protection of system piping. LP-gas system piping, including valves and fittings, shall be adequately protected to prevent tampering, impact damage, and damage from vibration.

319.8.5 LP-gas alarms. A listed LP-gas alarm shall be installed within the vehicle in the vicinity of LP-gas system components, in accordance with the manufacturer's instructions.

319.9 CNG systems. Where CNG systems provide fuel for cooking appliances, such systems shall comply with Sections 319.9.1 through 319.9.4.

319.9.1 CNG containers supplying only cooking fuel. CNG containers installed solely to provide fuel for cooking purposes shall be in accordance with Sections 319.9.1.1 through 319.9.1.3.

319.9.1.1 Maximum aggregate volume. The maximum aggregate capacity of CNG containers transported on the vehicle shall not exceed 1,300 pounds (590 kg) water capacity.

319.9.1.2 Protection of container. CNG containers shall be securely mounted and restrained to prevent movement. Containers shall not be installed in locations subject to a direct vehicle impact.

319.9.1.3 CNG container construction. CNG containers shall be an NGV-2 cylinder.

319.9.2 CNG containers supplying transportation and cooking fuel. Where CNG containers and systems are used to supply fuel for cooking purposes in addition to being used for transportation fuel, the installation shall be in accordance with NFPA 52.

319.9.3 Protection of system piping. CNG system piping, including valves and fittings, shall be adequately protected to prevent tampering, impact damage and damage from vibration.

319.9.4 Methane alarms. A listed methane gas alarm shall be installed within the vehicle in accordance with manufacturer's instructions.

319.10 Maintenance. Maintenance of systems on mobile food preparation vehicles shall be in accordance with Sections 319.10.1 through 319.10.3.

319.10.1 Exhaust system. The exhaust system, including hood, grease-removal devices, fans, ducts and other appurtenances, shall be inspected and cleaned in accordance with Section 606.3.

319.10.2 Fire protection systems and devices. Fire protection systems and devices shall be maintained in accordance with Section 901.6.

319.10.3 Fuel gas systems. LP-gas containers installed on the vehicle and fuel gas piping systems shall be inspected annually by an approved inspection agency or a company that is registered with the US Department of Transportation to requalify LP-gas cylinders, to ensure that system components are free from damage, suitable for the intended service and not subject to leaking. CNG containers shall be inspected every 3 years in a qualified service facility. CNG containers shall not be used past their expiration date as listed on the manufacturer's container label. Upon satisfactory inspection, the approved inspection agency shall affix a tag on the fuel gas system or within the vehicle indicating the name of the inspection agency and the date of satisfactory inspection.

Section 401.3.2.1 is added to read as follows

401.3.2.1 Nuisance alarm notification. Notification of emergency responders based on a nuisance alarm may be punishable by a fine in accordance with the adopted fee schedule or ordinance. In addition, the responsible party may be liable for the operational and administrative costs, incurred from the emergency response or mitigation procedures resulting from a nuisance alarm notification.

Section 401.3.2.2 is added to read as follows

401.3.2.2 Multiple nuisance alarm activations. Any occupancy that has more than three nuisance alarms, causing emergency response within a 12-month fiscal calendar year period (July 1 through June 30) may be required to modify, repair, upgrade or replace their system and/or monitoring station as determined by the fire code official.

Section 503, Fire Apparatus Access Roads.

Section 503.3 is amended by adding section 503.3.1 to read as follows:

503.3.1 Fire Lane Designation. Designation of fire lanes shall be by one of the following means:

1. By white signs measuring at least 12 inches by 18 (12" x 18") inches posted immediately adjacent thereto and clearly visible. It should clearly state, in red letters not less than one inch (1") in height, that the space is a fire lane and parking is prohibited.
 2. By outlining and hash marking the area in contrasting colors clearly marking it with the words "Fire Lane - No Parking."
 3. By identifying the space with a red curb upon which the words "Fire Lane - No Parking" are stenciled every 15 feet.
- (a) Both sides of fire lanes shall be red curbed when the fire lane is twenty (20) to twenty-eight (28) feet in width.

(b) At least one side of a fire lane shall be red curbed and stenciled when the fire lane is over twenty-eight (28) and up to thirty-six (36) feet in width.

(c) Curbs need not be painted red nor stenciled when the fire lane is more than thirty-six (36) feet in width.

Section 505, Premises Identification.

Section 505.1 through 505.1.3 are added to read as follows:

505.1.1 Address Identification. When the structure is thirty-six (36) to fifty (50) feet from the street or fire apparatus access, a minimum of one-half inch (1/2") stroke by six inches (6") high is required.

505.1.2 Multi-Tenant Buildings. Numbers or letters shall be designated on all occupancies within a building. Size shall be one-half inch (1/2") stroke by four inches (4") high and on a contrasting background. Directional address numbers or letters shall be provided. Said addresses or numbers shall be posted at a height no greater than 5 feet, 6 inches (5' 6") above the finished floor and shall be either internally or externally illuminated in all new construction.

505.1.3 Rear Addressing. When required by the fire code official, approved numbers or addresses shall be placed on all new and existing buildings in such a position as to be plainly visible and legible from the fire apparatus road at the back of a property or where rear parking lots or alleys provide and acceptable vehicular access. Number stroke and size shall comply with 505.1.1.

Section 506, Key Boxes.

Section 506.1.1.1 and 506.1.1.2 are added to read as follows:

506.1.1.1 Key Boxes. The key box shall be of an approved type and shall contain contents as established in Section 506.1.1.2.

Section 506.1.1.2 Key box contents requirements. The keys provided shall be two master keys to all spaces including multi-tenant spaces. Additional keys shall be included for elevator control, fire alarm control panels, and fire sprinkler control valve access. If the business/operation is required to have a Hazardous Material Inventory Statement (HMIS), the HMIS shall be included in the key box.

Section 507, Fire Protection Water Supplies.

California Fire Code, Section 507.5.1.1 is amended to read as follows:

507.5.1.1 Hydrant for fire department connections. Buildings equipped with a water-based fire protection system installed in accordance with Section 903 through 905 shall have a fire hydrant within 50 feet of the fire department connections, or as approved by the fire code official.

Section 507.5.2 Inspection, Testing, and Maintenance is amended by adding Sections 507.5.2.1 and 507.5.4.1:

507.5.2.1: Where the duty of maintaining fire hydrants is not specified in any legal document, fire hydrants that are adjacent to public streets, or streets accepted with public easements, or streets with water mains maintained by the City, are to be maintained by the City. Fire hydrants that are adjacent to privately controlled or owned streets, or streets with water mains maintained by the property owner(s), are to be maintained by the private property owner(s) in accordance with the City Water Division and Fire Department adopted standards.

507.5.4.1 Vehicle Parking Restrictions.

Whenever any on-site fire protection equipment or access ways have been installed and provided in this section, the following provisions shall be applicable: Hydrants: Parking prohibited, with respect to hydrants located along private access ways where curbs exist, said curbs shall be painted red or otherwise appropriately marked by the owner, lessee or another person in charge of the premises, to prohibit parking for a distance of 10 feet in either direction from such hydrant.

Section 508, Fire Command Center.

Section 508.1.1.1 is added to read as follows^{160 of 201}

508.1.1.1. Requirements. The fire command center shall be equipped with an exterior door and be located at the exterior of the building at a location approved by the fire code official.

508.2 Fire control room. An approved fire control room shall be provided for all new buildings or occupancies with a change of use, requiring protection by an automatic fire sprinkler system. The room shall only contain all main system control valves, fire alarm control panels ERCCS equipment, and other fire equipment required by the Code Official. Fire control rooms shall be located within the building at a location approved by the Code Official and shall be provided at grade with a means to access the room directly from the exterior. Durable signage shall be provided on the exterior side of the access door to identify the fire control room. Fire Control Rooms shall not be less than thirty-five (35) square feet. Storage of materials in fire control rooms is prohibited.

Exceptions:

1. Group R, Division 3 Occupancies.
2. Occupancies with a fire pump shall have a fire control room that is a minimum of 200 square feet.
3. In high-rise buildings, the fire control room shall not be less than 200 square feet.

Section 510.4.2 is amended to read as follows:

510.4.2 System Design. The in-building, two-way emergency responder communication coverage system shall be designed in accordance with Sections 510.4.2.1 through 510.4.2.8, NFPA 1221, NFPA 72 and San Mateo County ERCCS (P-500).

Section 510.5 is amended to read as follows:

510.5 Installation requirements. The installation of the in-building, two-way emergency responder communication coverage system shall be in accordance with San Mateo County ERCCS (P-500), NFPA 72, NFPA 1221, and Sections 510.5.2 through 510.5.

Section 606 Elevator Operation, Maintenance, and Fire Service Keys.

Section ~~604.6.35~~ is deleted and replaced in its entirety with the following: (604.6.3)

~~Section 604.6.38.5~~ **Shunt Trip Prohibited.** Where elevator hoistway and/or elevator machine rooms containing elevator control equipment are located within buildings equipped with automatic fire sprinklers, the following is required in lieu of a shunt trip:

1. The elevator machine room shall be constructed with the minimum fire rating as the hoistway. For non-rated hoistways, the minimum rating shall be one hour throughout in accordance with Section 707 of the California Building Code for fire barriers.
2. Fire sprinklers at the top of the hoistway and inside the elevator machine room shall not be installed.
3. Means for elevator shutdown shall not be ~~installed~~.

Section 901.6.3.2 is added to read as follows:

901.6.3.2 Records Reporting. Fire detection, alarm and extinguishing systems, shall be maintained in an operative condition at all times, and shall be replaced or repaired where defective. Non-required fire protection systems and equipment shall be inspected, tested, and maintained or removed. All inspection, testing and maintenance reports shall be forwarded to the Fire Department using electronic media to the designated thirdparty as assigned in the Policy Manual. Paper (hard copy) reports are not permitted.

Section 903.2 Where Required, shall be deleted and replaced as follows:

903.2 Where required. Approved automatic fire sprinkler systems shall be installed in all new occupiable and/or habitable buildings and structures. In addition, approved automatic fire sprinkler systems shall be provided in locations described in Sections 903.2.1 through 903.2.22.

Exceptions:

1. When approved by the fire code official, canopy structures used solely for vehicular parking which has photovoltaic systems attached are not required to be equipped with a fire sprinkler system as long as the structure meets distance requirements to other structures and property lines.
2. Group U occupancies less than 1,200 square feet.

Section 903.2.8.5 is added to read as follows:

903.2.8.5 Additional Residential Sprinkler Locations. The installation of a residential fire sprinkler system shall conform to the following:

1. Sprinklers shall be required throughout carports and garages.

Exception: Detached carports and garages less than 2,000 square feet in area

2. Sprinkler coverage shall be provided in the following locations:

32.1. Attic access openings.

42.2. Areas of attics and crawl spaces containing storage, mechanical and/or electrical equipment.

Section 903.2.10.3 is added to read as follows:

903.2.10.3 Lithium-ion batteries in vehicles. *An automatic sprinkler system shall be installed throughout buildings having Group S-2 occupancies, having lithium-ion batteries in vehicles, and shall be designed for the square footage area of the lithium-ion batteries in vehicles, based on an area of sprinkler operation of 2,500 square feet and design density of 0.40 gpm/sf.*

In Group S-2 occupancies, with portions of floors without lithium-ion batteries in vehicles, a sprinkler protection system shall be provided per NFPA 13.

Section 903.2.22 is added to read as follows:

903.2.22 An automatic sprinkler system shall be provided in all accessible combustibile and noncombustible sub-floors, attic space, or areas above ceilings, which are greater than 6 inches (152.4 mm) in height and contain electrical or mechanical components, in a fire sprinklered structure.

Exceptions:

1. NFPA 13D systems shall comply with California Residential Code R313 and local standards.
2. The fire code official may permit the use of smoke detection in lieu of fire sprinklers in noncombustible and non-accessible floor spaces and when construction materials do not exceed a flame spread rating of 25.

Section 903.4.2 Alarms is amended as follows:

903.4.2. An approved exterior rated horn/strobe audible and visual notification device shall be connected to every automatic sprinkler system. The alarm device shall be provided on the exterior of the building in an approved location. Where a fire alarm system is installed, the actuation of the automatic sprinkler system shall actuate the building fire alarm system.

903.4.3 Floor control valves is amended as follows:

903.4.3. Approved supervised indicating control valves shall be provided at the point of connection to the riser on each floor in all buildings.

Exception: Group R-3 Occupancies.

Section 903.6, Where Required in Existing Buildings and Structures, is amended to read as follows:

903.6.-Where Required in Existing Buildings or Structures. An automatic fire extinguishing system shall be installed throughout when an addition, alteration, modification, remodel or modernization occurs to an existing building or structure over 7,500 square feet in gross floor area, which would require a building permit for construction valued in excess of \$30,000 in any twelve-month period.

Exceptions:

1. When an addition is less than 250 square feet.
2. For additions larger than 250 square feet in an existing structure less than 7,500 square feet, only the portion of the structure added will be required to be protected by an approved automatic fire sprinkler system.
3. Existing one- or two-family dwelling.

Section 905 Standpipe Systems.

Section 905 is amended as follows:

905.3 Required Installations. Standpipe systems shall be installed where required by Sections 905.3.1 through 905.3.11.1 Standpipe systems shall be combined with automatic sprinkler systems.

Exception: Standpipe systems are not required in Group R-3 occupancies.

Section 905.3.5 Underground buildings.

Section 905.3.5 is amended as follows:

905.3.5. Underground buildings shall be equipped throughout with a Class I automatic wet standpipe system.

Section 905.3.12 is added to read as follows

905.3.12 Lithium-ion batteries in vehicles. Buildings with lithium-ion battery vehicles shall be equipped with Class I standpipe systems extended to have hose connections located within 100 feet of lithium-ion battery vehicle parking.

Section 905.4 Location of Class I standpipe hose connections.

Section 905.4 is amended as follows:

905.4 Class I standpipe hose connections shall be provided in all of the following locations:

1. In every required stairway, a hose connection shall be provided for each floor level. Hose connections on combined standpipe systems are allowed at floor level. Hose connections shall be located at an intermediate floor level landing between floors unless otherwise approved by the fire code official. See Section 909.20 of the California Building Code for additional provisions in smokeproof enclosures.
2. (unchanged)
3. (unchanged)
4. (unchanged)
5. (unchanged)
6. (unchanged)

Section 907.2.11.2.5 is amended as follows

907.2.11.2.5 Existing Group R occupancies. All existing Group R Division 3 Occupancies shall be provided with an approved smoke detection system meeting the requirements of 907.2.11.2 throughout the structure when any of the following occurs:

1. When alteration, repairs, structural changes or additions occur, within a twelve (12) month period and the value of such work is in excess of \$1,000.00.
2. When property is occupied by other than the property owner and rental or lease income is derived.
3. When existing property is sold an inspection of the installed smoke detection system for compliance with the Fire Code shall be completed by the San Bruno Fire Department prior to close of escrow.

Installation of the smoke detection system shall be reviewed and approved by the San Bruno Fire Department prior to installation and inspected prior to final sign-off on occupancy.

Section 907.1.6 is added to read as follows

907.1.6 Certification. New fire alarm systems shall be UL-Certified. A certificate of Completion and other documentation as listed in NFPA 72 shall be provided for all new fire alarm system installation. It is the responsibility of the building owner or owner's representative to obtain and maintain a current and valid Certificate. The protected premise shall be issued a UUFX type certification from Underwriters Laboratories (UL).

Section 907.1.6.1 is added to read as follows:

907.1.6.1 Posting of certification. The UL certificate required in Section 907.1.6 shall be posted in a durable transparent cover within three (3) feet of the fire alarm control panel within 45 days of the final acceptance test/inspection.

California Fire Code, Section 907.6.6 is amended to read as follows:

907.6.6 Monitoring. New and upgraded fire alarm systems required by this chapter or by the California Building Code shall be monitored by an approved Central Station in accordance with NFPA 72 and this section.

Exception: Monitoring by a central station is not required for:

1. No change
2. No change
3. No change

Section 907.11 is added to read as follows

907.11 Combination Alarm Systems. Combination fire and burglar alarm systems are not permitted. Exception: Group R-3 and R-3.1.

Section 5003.5 is amended – Hazard Identification Signs

Section 5003.5.2 is added to read as follows

5003.5.2 Sign size and location. Two NFPA 704 diamonds shall be placed on buildings so that they are clearly visible from at least two directions of travel.

1. The signs shall be at least fifteen inches by fifteen inches (15"x15"). The signs shall not be placed on windows
2. When NFPA 704 diamonds are required for interior doors, the signs shall be applied to the doors at a level no higher than the doorknob. The sign for the interior doors shall be at least six inches by six inches (6"x6").

3. The Fire Code Official may require fewer or more NFPA diamonds if the building configuration or size makes it reasonably necessary.

Chapter 56 Explosives and Fireworks.

Section 5601 Scope is amended by adding Sections 5601.1.1.1; and amending Sections 5601.1.3, 5601.2.2; and adding 5601.2.5, 5601.2.6 and 5601.2.7 to read as follows:

5601.1.1.1 Established limits. Storage of explosive materials is prohibited with the limits established by law as the limits in which such storage is prohibited.

Exception: Approved storage of “safe and sane” fireworks as defined by the State Fire Marshal and regulated by the City Municipal Code Chapter 6.50.

5601.1.3. Fireworks. The possession, manufacture, storage, sale, handling, and use of fireworks are prohibited. The possession, manufacture, storage, sale, handling and use of fireworks or pyrotechnic materials within the jurisdiction of the City are prohibited.

Exceptions:

1. Firework storage within the jurisdiction of the City is limited to aerial fireworks in conjunction with an approved and permitted aerial display, see also Section 5601.4.
2. Safe and Sane fireworks as defined by the State Fire Marshal shall be allowed as regulated by the City Municipal Code Chapter 6.50.
3. Snap Caps and Party Poppers as classified by the State Fire Marshal as pyrotechnic devices.

5601.2.2. Sale and retail display. The possession, manufacture, storage, sale, handling and use of fireworks or pyrotechnic materials within the jurisdiction of the City are prohibited.

Exceptions:

1. Safe and sane fireworks as defined by the State Fire Marshal and regulated by the City Municipal Code Chapter 6.50.
2. Snap Caps and Party Poppers as classified by the State Fire Marshal as pyrotechnic devices.

5601.2.5 Permit required. Permits to conduct an aerial display shall be required as set forth in Section 105.6.15 and regulated in accordance with the California Code of Regulations, Title 19 and this section.

Exception: Snap Caps and Party Poppers as classified by the State Fire Marshal as pyrotechnic devices.

5601.2.6 Prohibited and Limited Acts. Storage of explosive materials is prohibited with the limits established by law as the limits of districts in which such storage is prohibited. Where the storage of explosive materials is permitted, the quantities of explosives and distances shall be in accordance with the San Bruno Fire Code.

5601.2.7 Financial responsibility. Before a permit is issued, as required by Section 5601.2.5, the applicant shall provide a hold harmless agreement agreeing to indemnify the city and shall provide a liability insurance policy in an amount and form to be set by the city attorney for payment of all damages to persons or property which arise from the activity. The city attorney is authorized to specify a greater or lesser amount when, in his or her opinion, conditions at the location of use indicate a greater or lesser amount is required.

Chapter 57 is adopted in its entirety

Section 3. Validity. The City Council of the City hereby declares that should any section, paragraph, sentence or work of this code as adopted and amended herein be declared for any reason to be invalid, it is the intent of the City Council of the City that it would have passed all other portions or

provisions of this Ordinance independent of the elimination here from any such portion or provision as may be declared invalid.

Section 4. CEQA Exemption. The City Council finds, pursuant to Title 14 of the California Code of Regulations, Section 15061(b)(3) and 15378 (b)(5), that this Ordinance is exempt from the requirements of the California Environmental Quality Act (CEQA) in that it is not a Project that has the potential for causing a significant effect on the environment. The Council therefore directs that the Planning Division may file a Notice of Exemption with the San Mateo County Clerk.

Section 5. Effective Date. This Ordinance shall be published as required by law and shall be effective on January 1, 2023

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I, Vicky Hasha, Deputy City Clerk, do hereby certify that the foregoing **Ordinance** No. _____ was introduced at a regular meeting of the San Bruno City Council on _____ and adopted by the San Bruno City Council at a regular meeting on _____, by the following vote:

AYES: Councilmembers:

NOES: Councilmembers: _____

RECUSED: Councilmembers: _____

ABSENT: Councilmembers: _____

Vicky Hasha

Deputy City Clerk

City Attorney



City Council Agenda Item Staff Report

CITY OF SAN BRUNO

DATE: October 11, 2022

TO: Honorable Mayor and Members of the City Council

FROM: Jovan Grogan, City Manager

PREPARED BY: Darcy Smith, Assistant City Manager

SUBJECT: Hold Public Hearing, Read by Title Only and Adopt an Ordinance of the City of San Bruno Amending Chapter 11.06 (Energy Code) of Title 11 (Buildings, Construction and Fire Protection) of the San Bruno Municipal Code and Adopting by Reference the 2022 California Energy Code and Amending Chapter 11.07 (Green Building Code) of Title 11 (Buildings, Construction and Fire Protection) of the San Bruno Municipal Code and Adopting by Reference the 2022 California Green Building Code

BACKGROUND: Reach Codes are local amendments that exceed the Building Energy Efficiency Standards Code and Green Building Standards Code. The adoption of Reach Codes aim to reduce greenhouse gas emissions (GHGs) by reducing reliance on natural gas and gasoline through refocusing energy consumption towards electrification. California state law allows local governments to impose additional measures beyond the California Building Energy Efficiency and the Green Building Standards Codes through the adoption of Reach Codes.

The City's effort to adopt Reach Codes started as part of the 2021-2022 strategic initiatives. The City Council has previously discussed and provided direction on Reach Codes at a Study Session on March 8, 2022.

On September 13, 2022, the City Council introduced, read by title only and waived further reading of the Reach Code ordinance by a vote of 5-0-0. The City Council also set the public hearing for adoption of the ordinance for October 11, 2022.

DISCUSSION: The purpose of this item is to serve as a public hearing and adoption of the ordinance. A public hearing is required for adoption of state codes by reference pursuant to Government Code Sections 50022.1, et. seq. No changes have been made to the ordinance since introduction action on September 13, 2022. The ordinance is provided as Attachment 1.

Reach Codes go beyond the goal of energy efficiency and seek to reduce GHGs by eliminating reliance on natural gas in newly constructed buildings. This is done by requiring all new construction to 1) be built to utilize only electric appliances and 2) include some level of electrical vehicle charging capability. Staff recommends the adoption of All-Electric Reach Codes, with certain exemptions, as local amendments to the 2022 California Energy Code (Title 24, Part 6) and the 2022 California Green Building Standards (Title 24, part 11) to align with the next code cycle which begins January 1, 2023. Reach Codes must be shown to be cost-effective prior to the adoption, meaning that the cost saved from the reduced energy needs to

be enough to cover the initial cost within a reasonable period of time. Attachment 2 indicates the summary of the proposed local requirements for new construction residential and non-residential buildings. Attachment 3 includes a list of the six exemptions to the proposed ordinance, which were reviewed by the City Council on March 8, 2022.

2022 California Energy Code and Reach Code Ordinance Requirements

To align with the direction of the State's goal in reducing reliance on natural gas and gasoline, the California Energy and Green Building Codes become more stringent each code cycle. In addition to new buildings, the Energy Code standards also apply to substantial upgrades to existing homes and businesses. The proposed Reach Codes ordinance only applies to new construction, however, the existing buildings with substantial upgrades must comply with the Energy Code, Table 1 shows an overview of the 2022 Energy Code updates:

Table 1: 2022 California Energy Code Updates for New Construction	
Code Updates	Code Impact
Encouraging electric heat pump technology and use	Heat pumps use less energy and produce fewer emissions than traditional HVACs and water heaters
Establishing electric-ready requirements when natural gas is installed	Electric-ready building sets up owners to use cleaner electric heating, cooking, and electric vehicle (EV) charging when they're ready to invest in those technologies
Expanding solar photovoltaic (PV) system and battery storage standards	Using battery storage allows onsite energy to be available when needed and reduces the grid's reliance on fossil fuel power plants
Strengthening ventilation standards to improve indoor air quality	Better ventilation can reduce illness from poor air quality and reduce disease transmission

New Homes to be Electric-Ready

The 2022 Energy Code standards require single-family homes to be electric-ready, including:

- Electrical circuits for space heating, water heating, cooking/ovens, and clothes dryers.
- Electrical panel, branch circuits, and transfer switch for battery storage.
- Dedicated circuits and panels to easily convert from natural gas to electric in the future.

The New Standard Heat Pumps

Heat pumps are an electric technology for water and space heating that increases efficiency, reduces GHGs, and enables load flexibility. Current California market share is less than 6 percent in new home construction. The 2022 Energy Code standards include:

- Single-family homes: heat pump water or space standard.
- Multifamily homes such as apartment buildings: heat pump space heating standard.

- Businesses: heat pumps standard for schools, offices, banks, libraries, retail, grocery.

Solar and Storage Use Expanded

The 2022 Energy Code extends solar and introduces battery storage standards to the following building types:

- High-rise multifamily (apartments and condos)
- Hotel-motel
- Tenant space
- Office, medical office, and clinics
- Retail and grocery stores
- Restaurants
- Schools
- Civic (theaters, auditoriums, and convention centers)

2022 Energy Code Proposed Amendments

The Reach Codes Ordinance is more stringent than the Energy Code in that it requires all new construction to include electric appliances. The 2022 Energy Code requires new construction to be “electric ready,” which requires battery storage, and/or pre-wiring for appliances. For new buildings that are exempt from the Reach Codes, construction is required to comply with the 2022 Energy Code’s requirement to include electric-ready appliances requirements.

The following outlines the proposed Ordinance requirements for building electrification:

Proposed Building Electrification Requirements:

- New single-family homes, accessory dwelling units, and low-rise and high-rise multifamily buildings are required to use electric for space heating, water heating, cooking and clothes dryers. It provides an exception for the use of natural gas for fan-type central furnaces, fireplaces, pool heaters, and spa heaters.
- New non-residential buildings are required to be built all-electric for space heating, water heating, cooking, and clothes dryer. It provides exception for the use of natural gas cooking appliances for restaurants and food services.
- All new buildings must be built to be electric-ready if they are allowed to use natural gas appliances through an exception.

2022 California Green Building Code and Reach Code Ordinance Requirements

2022 California Green Building Code (CALGreen) reflects certain amendments to align with California’s efforts to reach its climate and air quality goals. CALGreen strengthens the Energy Code by streamlining pathways for buildings to obtain and meet Energy Code compliance requirements and building performance standards. Table 2 highlights the shift in the overall focus areas from the 2019 CALGreen code cycle to the 2022 code cycle:

Table 2: CALGreen Priorities

2019 CALGreen Priorities	2022 CALGreen Priorities
The 2019 CALGreen code went into effect January 1, 2020 and focuses on mandatory measures that require EV infrastructure, increase efficient water use, provide cleaner air quality, and maintain pollutant control.	The 2022 CALGreen code goes into effect January 1, 2023 and focuses on battery storage system controls, demand management, heat pump space and water heating, and building electrification.

The City's proposed ordinance focuses on the EV charging station requirements for new construction buildings. The state has a goal of having 1.5 million zero-emission vehicles on the roads by 2025. Under the 2022 CALGreen Code, the electric vehicle charging requirements only apply to new projects. Remodels and additions are not required to comply with the electric vehicle charging station requirements.

Through a recent vote by the California Air Resources Board (CARB), there is a projected ban to the sale of new gasoline driven cars by 2035. The board's new rules also would set interim quotas for zero-emission vehicles, focusing on new models. Starting in 2026, 35 percent of new cars, SUVs and small pickups sold in California would be required to be zero-emission vehicles. That would increase each year and is expected to reach 51% of all new car sales in 2028, 68 percent in 2030 and 100% in 2035. According to CALGreen Energy Services, California will need an additional 1.2 million chargers to meet the needs of an all-electric new vehicle requirement.

Electric Vehicle Code Terminology

The 2022 CALGreen provides definitions for EV terminology to assist in understanding the intent, as shown in table 3:

Table 3: EV Charging Readiness Types

Readiness	Description
EV Capable	Conduit is installed to parking space, and building electrical system has ample capacity to serve future load. An electrician would be required to complete the circuit before charging is possible
EV Ready	Parking space is provided with all power supply and associated outlet, such that a charging station can be plugged in and a vehicle can charge
EV Charging Station (EVCS)	All supply equipment is installed at a parking space, such that an EV can charge without additional equipment

EV charging capacity and speed can be summarized as three categories:

Table 4: Electrical Vehicle Charging Capacity/ Speed

Capacity/ Speed	Description
Level 1	3-4 miles per charging hour · Equivalent to a standard home outlet
Level 2	10-20 miles per charging hour · Service capacity typically used for larger appliance loads in homes
Level 3	150+ miles per charging hour · Used for Tesla Superchargers and DC Fast Chargers at some supermarkets

2022 CALGreen EV Proposed Amendments

The ordinance requirements are more stringent than the CALGreen Code in that it requires all new construction to include more electric vehicle spaces and EV chargers than required by CALGreen. For new buildings that are exempt from the Reach Codes, the project shall align with the 2022 CALGreen's requirements.

Proposed EV Infrastructure Requirements:

- New one- and two- family dwellings, townhouses, and accessory dwelling units with attached private garages re required to install one Level 2 EV Ready Space and a level 1 Ready Space for each dwelling unit.
- Multifamily buildings < 20 dwelling units would be required to:
 - Install one Level 2 EV Ready space for each unit with parking.
 - 30% of the total number of parking spaces on a building site shall be electric vehicle charging spaces
 - 25% of the total number of parking spaces shall be equipped with low power Level two (2) EV charging receptacles
- Non-residential Buildings for warehouses, grocery stores, offices, and retail stores with planned off-street loading spaces shall comply with CALGreen Table 5.106.5.3.1:
 - 30% of total parking spaces shall be EV Capable spaces
 - 33% of total parking spaces shall be EVCS spaces

Cost Effectiveness Study

The CEC considers an energy efficiency measure cost effective if the total utility savings over the estimated useful life of the energy efficiency measure exceeds the difference of costs between the measure and the base line measure of mixed-fuel energy usage. For example, requiring all-electric space conditioning in single-family homes would be considered cost effective, if the total utility savings over 30 years exceeds the additional cost of the all-electric equipment when compared to the cost of a natural gas powered space conditioner.

In developing the Reach Codes, staff relied on openly accessible cost effectiveness studies. The studies were prepared in coordination with Pacific Gas & Electric and other California based utilities for utility users throughout the state. These studies have been cited by other local cities adopting Reach Codes. In addition to these studies, staff worked with PCE, members of the Statewide Codes & Standards Program, and the Bay Area Regional Energy Network (BayREN) to interpret the study results. The cost effectiveness study based on building type can be accessed from the City's Reach Codes webpage.

For future and ongoing technical support, PCE has collaborated with TRC, a construction and engineering firm, to provide free technical assistance to design professionals, architects, contractors, and other consultants to incorporate Reach Code requirements in their projects. This assistance includes online and in-person discussions on building electrification. Interested parties may sign up for assistance at www.allelectricdesign.org. TRC will help developers explore building electrification and resolve complex design challenges.

Ordinance Exemptions

The ordinance includes all six exemptions in the ordinance, however, there is a modification to exemption number 3 Accessory Dwelling Units (ADUs) or Junior Accessory Dwelling Units (JADUs), as previously reviewed by the City Council. The 2022 Building Code has identified ADU's as Single-Family Residential uses. As Single-Family Residential are not proposed to be exempt from the proposed Reach Codes ordinance, only JADU's will remain as part of exemption 3.

Next Steps

Should the ordinance be adopted, staff will file the ordinance with the California Building Standards Commission and the California Energy Commission for acceptance. The ordinance would be effective at the latter date of January 1, 2023, or after the approval of CEC and CBSC.

Staff will also develop an implementation plan to prepare the necessary protocols and procedures for development applicants to comply with the Reach Codes. Staff also plans on working on the new permit application software implementation process, to obtain reporting for Reach Code compliant new construction and exempt new construction projects.

FISCAL IMPACT: There is no fiscal impact from the adoption of the ordinance.

ENVIRONMENTAL IMPACT: The action is not a project subject to CEQA. City Council's action is not considered a "Project" per CEQA Guidelines and therefore no further environmental analysis is required.

RECOMMENDATION: Hold Public Hearing, Read by Title Only and Adopt an Ordinance of the City of San Bruno Amending Chapter 11.06 (Energy Code) of Title 11 (Buildings, Construction and Fire Protection) of the San Bruno Municipal Code and Adopting by Reference the 2022 California Energy Code and Amending Chapter 11.07 (Green Building Code) of Title 11 (Buildings, Construction and Fire Protection) of the San Bruno Municipal Code and Adopting by Reference the 2022 California Green Building Code

ALTERNATIVES: 1. Direct staff to make modifications to the ordinance; substantive modifications will require re-introduction at a subsequent meeting.

ATTACHMENTS:

Attachment 1: Ordinance Amending SBMC Chapter 11.06 and Chapter 11.07

Attachment 2: Reach Codes Summary Table

Attachment 3: Reach Codes Exemption Report

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN BRUNO AMENDING CHAPTER 11.06 (ENERGY CODE) AND 11.07 (GREEN BUILDING STANDARDS CODE) OF TITLE 11 (BUILDINGS, CONSTRUCTION AND FIRE PROTECTION) OF THE SAN BRUNO MUNICIPAL CODE, TOGETHER WITH CERTAIN AMENDMENTS, EXCEPTIONS, MODIFICATIONS AND ADDITIONS THERETO

The City Council of the City of San Bruno **ORDAINS** as follows:

SECTION 1. FINDINGS

WHEREAS, the City of San Bruno ("City") has adopted the 2019 editions of the California Energy Code and Green Building Standards Codes; and

WHEREAS, it is the intent of the City of San Bruno ("City") to formally adopt the 2022 California Energy Code and Green Building Standards Codes at its regular meeting of September 13, 2022; and

WHEREAS, the California Energy Code is a part of the California Building Standards which implements minimum energy efficiency standards in buildings through mandatory requirements, prescriptive standards, and performances standards

WHEREAS, pursuant to Sections 17922, 17958, 17958.5, 17958.7 and 18941.5 of the California Health and Safety Code, the City may adopt amendments, modifications, changes, and additions to the provisions of these codes, which are reasonably necessary to protect the health, welfare and safety of the citizens of San Bruno because of local climatic, geological and topographical conditions; and

WHEREAS, Public Resources Code Section 25402.1 (h) 2 and Section 10-106 of the Building Energy Efficiency Standards (Standards) establish a process which allows local adoption of energy standards that are more stringent than the statewide Standards, provided that such local standards are cost-effective and the California Energy Commission finds that the standards will require buildings to be designed to consume no more energy than permitted by the California Energy Code; and

WHEREAS, the City, through the Statewide Codes & Standards Program, has performed a cost-effectiveness analysis as required by the California Energy Commission for the local amendments to the California Energy Code contained in this ordinance which memo is hereby incorporated by reference; and

WHEREAS, the City has completed review of the proposed amendments and has determined that the requirements of the local amendments to the California Energy Code and

Green Building Standards Code will require buildings to consume no more energy than permitted by the California Energy Code; and

WHEREAS, adoption of these local amendments is consistent with the goals of reducing greenhouse gas emissions as identified in the City's Strategic Initiatives.

SECTION 2. REGULATION.

**CHAPTER 11.06: AMENDMENTS TO THE 2022 CALIFORNIA ENERGY CODE AND
CALIFORNIA GREEN BUILDING STANDARDS CODE**

Sections	11.06 Adoption of the California Energy Code
11.06.030	Amendment to Section 100.0
11.06.040	Amendment to Section 100.1
11.06.050	Amendment to Section 110.2
11.06.060	Amendment to Section 110.3
11.06.070	Amendment to Section 110.4
11.06.080	Amendment to Section 110.5

11.06.030 Section 100.0 e (2) A of the Energy Code Amended:

(e) Sections applicable to particular buildings. TABLE 100.0-A and this subsection list the provisions of Part 6 that are applicable to different types of buildings covered by Section 100.0(a).

2. Newly constructed buildings.

A. . All newly constructed buildings. Sections 110.0 through 110.12 apply to all newly constructed buildings within the scope of Section 100.0(a). In addition, newly constructed buildings shall meet the requirements of Subsections B, C, D or E, as applicable; and shall be an All-Electric Building, as defined in San Bruno Code Section 11.06.020. A building required to be brought into conformity with standards for substantial improvement as defined in Section 201 of the 2022 California Building Code shall not be considered a newly constructed building for the purposes of San Bruno Code Section 11.06.

Exception 1: Non-residential buildings that will be constructed to Office of Statewide Health Planning and Development (OSHPD) Hospital

standards ["OSHDP 1" as described in California Building Code Vol. 1, section 1224] or Clinic standards ["OSHDP 3" as described in California Building Code Vol. 1, section 1226] may contain non-electric space-conditioning, water- heating, and process load systems.

Exception 2: Non-Residential Buildings containing a kitchen may contain non-electric cooking appliances, including but not limited to stoves, ovens, cooking ranges, and broilers.

Exception 3: All-Electric Building requirements shall not apply to development projects for which an application for a City development Planning Entitlement has been deemed approved no later than the effective date of this Ordinance, provided that such developments shall comply with any predecessor ordinance, resolution, or policy in effect on the date the application for the development was deemed complete.

Exception 4: All-Electric Building requirements shall not apply to new residential structures that designate 100% of the dwelling units to be affordable, excluding any onsite manager unit(s), for households earning 80% or less of the Area Median Income (AMI), as evidenced by instruments recorded against the property that restrict the units as affordable for a period of at least 55 years.

Exception 5: All-Electric Building requirements shall not apply to Junior Accessory Dwelling Units, as defined by 12.90 of the San Bruno Zoning Ordinance, or to Junior Accessory Dwelling Units, as defined by Government Code Section 65852.22.

Exception 6: If an applicant maintains that circumstances exist that make it infeasible for their building to be an all-electric building, the applicant may request an exception in writing. In requesting an exception, the burden is on the applicant to identify why the requirements for an All-Electric Building are infeasible and must submit any information, as requested by the Building Official or their designee, substantiating the infeasibility. All costs associated with the City's review of the infeasibility request will be charged to the applicant. The final determination of infeasibility shall be made by the Building Official or their designee. If the exception is granted, the Building Official or their designee shall document their findings in the files of the Building Division.

11.06.040 Section 100.1 (b) of The Energy Code Amended:

Section 100.1(b) of the Energy Code is amended to add definitions for “All-Electric Building”, and “Scientific Laboratory Area” to read as follows:

ALL-ELECTRIC BUILDING is a building that has no natural gas or propane plumbing installed within the building and that uses electricity as the source of energy for its space-conditioning, water-heating (including pools and spas), cooking appliances, and clothes drying appliances. All-Electric Buildings may include solar thermal pool heating.

11.06.050 Section 110.2 of The Energy Code Amended:

Certification by manufacturers. Any space-conditioning equipment listed in this section that meets the requirements of section 100.0(e) 2A may be installed only if the manufacturer has certified to the Commission that the equipment complies with all the applicable requirements of this section.

11.06.060 Section 110.3(a) of The Energy Code Amended:

(a) Certification by Manufacturers. Any service water-heating system or equipment that meets the requirements of section 100.0(e) 2A may be installed only if the manufacturer has certified that the system or equipment complies with all the requirements of this subsection for that system or equipment.

11.06.070 Section 110.4(a) of The Energy Code Amended:

(a) Certification by Manufacturers. Any pool or spa heating system or equipment that meets the requirements of section 100.0(e)2A may be installed only if the manufacturer has certified that the system or equipment has all of the following:

11.06.080 Section 110.5 of The Energy Code Amended:

Any natural gas system or equipment in a building listed below that falls within one of the exceptions to Section 100.0(e) 2A, as amended by this Code, may be installed only if it does not have a continuously burning pilot light:

(a) Fan-type central furnaces.

(b) Household cooking appliances.

Exception to Section 110.5(b): Household cooking appliances without an electrical supply voltage connection and in which each pilot consumes less than 150 Btu/hr.

(c) Pool heaters.

(d) Spa heaters.

(e) Indoor and outdoor fireplaces.

Sections	11.07 Adoption of the California Green Building Standards Code
11.07.030	Amendment to Section 202
11.07.040	Amendment to Section 4.106.4
11.07.050	Amendment to Section 4.106.4.1
11.07.060	Amendment to Section 4.106.4.2
11.07.070	Amendment to Section 5.106.5.3
11.07.080	Amendment to Section 5.106.5.4

11.07.030 Section 202 of The Green Building Standards Code Amended:

AFFORDABLE HOUSING: Residential buildings that consist entirely of housing that costs no more than thirty (30) percent of gross household income. Housing costs include rent or mortgage payments, utilities, taxes, insurance, homeowner association fees, and other related costs.

AUTOMATIC LOAD MANAGEMENT SYSTEMS (ALMS): A control system which allows multiple electric vehicle chargers or electric vehicle ready chargers to share a circuit or panel and automatically reduce power at each charger, providing the opportunity to reduce electrical infrastructure costs and/or provide demand response capability. ALMS is only allowed for Level 2 Electrical Vehicle Charging Stations (EVCS), Level 2 EV Ready Spaces, and Level 1 EV Ready Spaces. ALMS systems must be designed to deliver at least 1.4kW to each EVCS, Level 2 EV Ready Spaces, and Level 1 EV Ready Spaces. The connected amperage on-site shall not be lower than the required connected

amperage per Part 11, 2019 California Green Building Code for the relevant building types.

ELECTRIC VEHICLE CHARGING STATION (EVCS): A parking space that includes installation of electric vehicle supply equipment (EVSE) with a minimum output of thirty (30) amperes connected to a Level 2 EV Ready Space. EVCS installation may be used to satisfy a Level 2 EV Ready Space requirement.

ELECTRIC VEHICLE (EV) CAPABLE: A parking space linked to a listed electrical panel with sufficient capacity to provide at least one hundred ten/one hundred twenty (110/120) volts and twenty (20) amperes to the parking space. Raceways linking the electrical panel and parking space only need to be installed in spaces that will be inaccessible in the future, either trenched underground or where penetrations to walls, floors, or other partitions would otherwise be required for future installation of branch circuits. Raceways must be at least one (1) inch in diameter and may be sized for multiple circuits as allowed by the California Electrical Code. The panel circuit directory shall identify the overcurrent protective device space(s) reserved for EV charging as “EV CAPABLE.” Construction documents shall indicate future completion of raceway from the panel to the parking space, via the installed inaccessible raceways.

LEVEL 1 EV READY SPACE: A parking space served by a complete electric circuit with a minimum of 110/120 volt, twenty (20) ampere capacity including electrical panel capacity, overprotection device, a minimum one (1) inch diameter raceway that may include multiple circuits as allowed by the California Electrical Code, wiring, and either a) a receptacle labelled “Electric Vehicle Outlet” with at least a one half (1/2) inch font adjacent to the parking space, or b) electric vehicle supply equipment (EVSE).

LEVEL 2 EV READY SPACE: A parking space served by a complete electric circuit with 208/240 volt, forty (40) ampere capacity including electrical panel capacity, overprotection device, a minimum one (1) inch diameter raceway that may include multiple circuits as allowed by the California Electrical Code, wiring, and either a) a receptacle labelled “Electric Vehicle Outlet” with at least a one half (1/2) inchfont adjacent to the parking space, or b) electric vehicle supply equipment (EVSE) with a minimum output of thirty (30) amperes.

11.07.040 Section 4.106.4 of The Green Building Standards Code Amended:

4.106.4 Electric vehicle (EV) charging for new construction. New construction shall comply with Section 4.106.4.1or 4.106.4.2 to facilitate future installation and

use of EV chargers. Electric vehicle supply equipment (EVSE) shall be installed in accordance with the California Electrical Code, Article 625.

EXCEPTION 1: If an applicant maintains that circumstances exist that make it, the applicant may request an exception in writing. The Building Official or their designee shall determine compliance with this section is infeasible upon one of the following conditions:

1.1 Where there is no local utility power supply or the local utility is unable to supply adequate power.

1.2 Where there is evidence suitable to the local enforcing agency substantiating that additional local utility infrastructure design requirements, directly related to the implementation of Section 4.106.4, may adversely impact the construction cost of the project.

EXCEPTION 2: Accessory Dwelling Units (ADU) and Junior Accessory Dwelling Units (JADU) without additional parking facilities.

11.07.050 Section 4.106.4.1 of The Green Building Standards Code Amended:

4.106.4.1 New one- and two-family dwellings and townhouses with attached private garages. For each dwelling unit, install a Level two (2) EV Ready Space and Level 1 EV Ready Space.

Exception: For each dwelling unit with only one parking space, install a Level 2 EV Ready Space.

4.106.4.1.1 Identification. The raceway termination location shall be permanently and visibly marked as "Electric Vehicle Outlet."

11.07.060 Section 4.106.4.2 of The Green Building Standards Code Amended:

4.106.4.2 New multifamily dwellings, hotels and motels and new residential parking facilities. When parking is provided, parking spaces for new multifamily dwellings, hotels and motels shall meet the requirements of Sections 4.106.4.2.1 and 4.106.4.2.2. Calculations for spaces shall be rounded up to the nearest whole number. A parking space served by electric vehicle supply equipment or designed as a future EV charging space shall count as at least one standard automobile parking space only for the purpose of complying with any applicable minimum parking space requirements established by a local jurisdiction. See Vehicle Code

Section 22511.2 for further details.

4.106.4.2.1 Multifamily development projects with less than 20 dwelling units; and hotels and motels with less than 20 sleeping units or guest rooms. The number of dwelling units, sleeping units or guest rooms shall be based on all buildings on a project site subject to this section.

1. **EV Capable.** Thirty (30) percent of the total number of parking spaces on a building site, provided for all types of parking facilities, shall be electric vehicle charging spaces (EV spaces) capable of supporting future Level 2 EVSE. Electrical load calculations shall demonstrate that the electrical panel service capacity and electrical system, including any on-site distribution transformer(s), have sufficient capacity to simultaneously charge all EVs at all required EV spaces at a minimum of forty (40) amperes.

The service panel or subpanel circuit directory shall identify the overcurrent protective device space(s) reserved for future EV charging purposes as “EV CAPABLE” in accordance with the *California Electrical Code*.

EXCEPTION 1: When Level two (2) EVSE EV chargers are installed in a number equal to or greater than the required number of EV capable spaces.

EXCEPTION 2: When EV chargers (Level 2 EVSE) are installed in a number less than the required number of EV capable spaces, the number of EV capable spaces required may be reduced by a number equal to the number of EV chargers installed.

EXCEPTION 3: For all multifamily Affordable Housing, 10% of dwelling units with parking space(s) shall be provided with at least one Level 2 EV Ready Space. Calculations for the required minimum number of Level 2 EV Ready Spaces shall be rounded up to the nearest whole number. The remaining dwelling units with parking space(s) shall each be provided with at least a Level 1 EV Ready Space.

Notes:

1. Construction documents are intended to demonstrate the project’s capability and capacity for facilitating future EV charging.

2. There is no requirement for EV spaces to be constructed or available until receptacles for EV charging or EV chargers are installed for use.
 3. ALMS may be installed to decrease electrical service and transformer costs associated with EV Charging Equipment subject to review of the City.
 4. Installation of Level two (2) EV Ready Spaces above the minimum number required level may offset the minimum number Level one (1) EV Ready spaces required on a 1:1 basis.
 5. The requirements apply to multifamily buildings, hotels, and motels with parking spaces including: a) assigned or leased to individual dwelling units, and b) unassigned residential parking.
 6. In order to adhere to accessibility requirements in accordance with California Building Code Chapters 11A and/or 11B, it is recommended that all accessible parking spaces for newly constructed multifamily dwellings, hotels, and motels are provided with Level 1 or Level 2 EV Ready Spaces.
-
2. **EV Ready.** Twenty five (25) percent of the total number of parking spaces shall be equipped with low power Level two (2) EV charging receptacles. For multifamily parking facilities, no more than one receptacle is required per dwelling unit when more than one parking space is provided for use by a single dwelling unit.

EXCEPTION: Areas of parking facilities served by parking lifts.

3. **EV Chargers.** Ten (10) percent of the total number of parking spaces shall be equipped with Level 2 EVSE. Where common use parking is provided, at least one EV charger shall be located in the common use parking area and shall be available for use by all residents or guests.

When low power Level two (2) EV charging receptacles or Level 2 EVSE are installed beyond the minimum required, an automatic load management system (ALMS) may be used to reduce the maximum required electrical capacity to each space served by the ALMS. The electrical system and any on-site distribution transformers shall have sufficient capacity to deliver at least 3.3 kW simultaneously to each EV charging station (EVCS) served by the ALMS. The branch circuit shall have a minimum capacity of forty (40) amperes, and installed

EVSE shall have a capacity of not less than thirty (30) amperes.
ALMS shall not be used to reduce the minimum required electrical capacity to the required EV capable spaces.

4.106.4.2.2 Multifamily development projects with 20 or more dwelling units, hotels and motels with 20 or more sleeping units or guest rooms. The number of dwelling units, sleeping units or guest rooms shall be based on all buildings on a project site subject to this section.

1. EV Capable. Thirty (30) percent of the total number of parking spaces on a building site, provided for all types of parking facilities, shall be electric vehicle charging spaces (EV spaces) capable of supporting future Level two (2) EVSE. Electrical load calculations shall demonstrate that the electrical panel service capacity and electrical system, including any on-site distribution transformer(s), have sufficient capacity to simultaneously charge all EVs at all required EV spaces at a minimum of forty (40) amperes.
The service panel or subpanel circuit directory shall identify the overcurrent protective device space(s) reserved for future EV charging purposes as "EV CAPABLE" in accordance with the California Electrical Code

EXCEPTION: When Level two (2) EVSE EV chargers are installed in a number greater than five (5) percent of parking spaces required by Section 4.106.4.2.2, Item 3, the number of EV capable spaces required may be reduced by a number equal to the number of EV chargers installed over the five (5) percent required.

Notes:

1. Construction documents shall show locations of future EV spaces.
2. There is no requirement for EV spaces to be constructed or available until receptacles for EV charging or EV chargers are installed for use.
3. ALMS may be installed to decrease electrical service and transformer costs associated with EV Charging Equipment subject to review of the City.

4. The requirements apply to multifamily buildings, hotels, and motels with parking spaces including: a) assigned or leased to individual dwelling units, and b) unassigned residential parking.
5. In order to adhere to accessibility requirements in accordance with California Building Code Chapters 11A and/or 11B, it is recommended that all accessible parking spaces for newly constructed multifamily dwellings, hotels, and motels are provided with Level 1 or Level 2 EV Ready Spaces.
2. **EV Ready.** Twenty Five (25) percent of the total number of parking spaces shall be equipped with low power Level two (2) EV charging receptacles. For multifamily parking facilities, no more than one receptacle is required per dwelling unit when more than one parking space is provided for use by a single dwelling unit.

EXCEPTION: Areas of parking facilities served by parking lifts.

3. **EV Chargers.** Ten (10) percent of the total number of parking spaces shall be equipped with Level two (2) EVSE. Where common use parking is provided, at least one EV charger shall be located in the common use parking area and shall be available for use by all residents or guests.

When low power Level two (2) EV charging receptacles or Level two (2) EVSE are installed beyond the minimum required, an automatic load management system (ALMS) may be used to reduce the maximum required electrical capacity to each space served by the ALMS. The electrical system and any on-site distribution transformers shall have sufficient capacity to deliver at least 3.3 kW simultaneously to each EV charging station (EVCS) served by the ALMS. The branch circuit shall have a minimum capacity of forty (40) amperes, and installed EVSE shall have a capacity of not less than thirty (30) amperes. ALMS shall not be used to reduce the minimum required electrical capacity to the required EV capable spaces.

11.07.070 Section 5.106.5.3 of The Green Building Standards Code Amended:

Electric vehicle (EV) charging. Construction to provide electric vehicle infrastructure and facilitate electric vehicle charging shall comply with Section 5.106.5.3.1 and shall be provided in accordance with regulations in the California Building Code, the California Electrical Code and as follows:

EXCEPTION 1: If an applicant maintains that circumstances exist that make it, the applicant may request an exception in writing. The Building Official or their designee shall determine compliance with this section is infeasible upon one of the following conditions:

- a. Where there is no local utility power supply.
- b. Where the local utility is unable to supply adequate power.
- c. Where there is evidence suitable to the local enforcement agency substantiating that additional local utility infrastructure design requirements, directly related to the implementation of Section 5.106.5.3, may adversely impact the construction cost of the project.

EXCEPTION 2: Parking spaces accessible only by automated mechanical car parking systems are not required to comply with this code section.

11.07.080 Section 5.106.5.4 of The Green Building Standards Code Amended:

5.106.5.4 Electric vehicle (EV) charging: medium-duty and heavy-duty.

Construction shall comply with Section 5.106.5.4.1 to facilitate future installation of electric vehicle supply equipment (EVSE). Construction for warehouses, grocery stores and retail stores with planned off-street loading spaces shall also comply with Section 5.106.5.4.1 for future installation of medium- and heavy-duty EVSE.

EXCEPTION 1: If an applicant maintains that circumstances exist that make it, the applicant may request an exception in writing. The Building Official or their designee shall determine compliance with this section is infeasible upon one of the following conditions:

- a. Where there is no local utility power supply.
- b. Where the local utility is unable to supply adequate power.

c. Where there is evidence suitable to the local enforcement agency substantiating that additional local utility infrastructure design requirements, directly related to the implementation of Section 5.106.5.3, may adversely impact the construction cost of the project.

SECTION 3. CEQA. The City Council finds, pursuant to Title 14 of the California Code of Regulations, Section 15273, that this ordinance is statutorily exempt from the requirements of the California Environmental Quality act (CEQA) in that these standards are more stringent than the State energy standards, there are no reasonably foreseeable adverse impacts and there is no possibility that the activity in question may have a significant effect on the environment.

SECTION 4. CONSTITUTIONALITY; SEVERABILITY. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional, invalid or ineffective by a court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this Ordinance. The City Council hereby declares that it would have passed this Ordinance, and each section, subsection, sentence, clause and phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional, invalid or ineffective.

SECTION 5. EFFECTIVE DATE. This Ordinance shall take effect upon the later to occur of (a) January 1, 2023 or (b) approval by the California Building Standards Commission and California Energy Commission.

SECTION 6. PUBLICATION. The City Clerk is directed to cause publication of this Ordinance as required by law.

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I, Vicky Hasha, Deputy City Clerk, do hereby certify that the foregoing **Ordinance** No. ____ was introduced at a regular meeting of the San Bruno City Council on ____ and adopted by the San Bruno City Council at a regular meeting on ____, by the following vote:

AYES: Councilmembers:

**AMENDMENTS TO 2022 CALIFORNIA ENERGY CODE AND GREEN BUILDING
STANDARDS CODE**

Page 14 of 14

NOES: Councilmembers: _____

RECUSED: Councilmembers: _____

ABSENT: Councilmembers: _____

Vicky Hasha
Deputy City Clerk



City of San Bruno Reach Codes Summary Tables

ATTACHMENT 2

Energy Code Amendments – Building Electrification & Solar Photovoltaic (PV) Systems		
Building Type	Proposed Energy Code Amendments for New Construction	Exceptions*
Single Family and Accessory Dwelling Units	<p><u>Electric Appliances:</u></p> <ul style="list-style-type: none"> • All electric building required that uses electricity as the source of energy for all appliances, including but not limited to heating appliances, cooking appliances, fireplaces and clothes dryers. 	<ul style="list-style-type: none"> • Natural gas can be used for fan-type central furnaces, fireplaces, spa heaters, and pool heaters if each pilot consumes less than 150 Btu/hr. • Prewiring for electric appliances is required where natural gas appliances are used. • For project with planning entitlements approved by the City prior to the effective date of this ordinance, refer to 2022 Energy Code.
Low-density Residential (three stories or less multifamily)	<p><u>Electric Appliances:</u></p> <ul style="list-style-type: none"> • All electric building required that uses electricity as the source of energy for all appliances, including but not limited to heating appliances, cooking appliances, fireplaces and clothes dryers 	<ul style="list-style-type: none"> • Natural gas can be used for fan-type central furnaces, fireplaces, spa heaters, and pool heaters if each pilot consumes less than 150 Btu/hr. • Prewiring for electric appliances is required where natural gas appliances are used. • For projects with planning entitlements approved by the City prior to the effective date of this ordinance, refer to 2022 Energy Code.
High-density Residential	<p><u>Electric Appliances:</u></p> <ul style="list-style-type: none"> • All electric building required that uses electricity as the source of energy for all appliances, including but not limited to heating appliances, cooking appliances, fireplaces and clothes dryers. 	<ul style="list-style-type: none"> • Natural gas can be used for fan-type central furnaces, fireplaces, spa heaters, and pool heaters if each pilot consumes less than 150 Btu/hr. • Prewiring for electric appliances is required where natural gas appliances are used. • For project with planning entitlements approved by the City prior to the effective date of this ordinance, refer to 2022 Energy Code.



City of San Bruno Reach Codes Summary Tables

Non-Residential Buildings	<p><u>Electric Appliances:</u></p> <ul style="list-style-type: none">• All electric building required that uses electricity as the source of energy for all appliances, including but not limited to heating appliances, cooking appliances, fireplaces and clothes dryers.	<ul style="list-style-type: none">• Hospitals may use natural gas for space heating and water heating and process load systems if desired.• For project with planning entitlements approved by the City prior to the effective date of this ordinance, refer to 2022 Energy Code.• Non-residential kitchens (e.g. for-profit restaurants and cafeterias) may use natural gas stoves.• For all exceptions, natural gas appliance locations must be electrically pre-wired for future electric appliance installation.
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***Additional Exception for All Building Types:**

If the applicant establishes that there is not an all-electric prescriptive compliance pathway for the building under the Energy Code, and that the building is not able to achieve the performance compliance standard applicable to the building under the Energy Code using commercially available technology and an approved calculation method, then the Community and Economic Development Director or his/her designee may grant a modification. If the Chief Building Official grants a modification pursuant to this Exception, the applicant must comply with the pre-wiring provision.



City of San Bruno Reach Codes Summary Tables

Proposed Green Building Code Amendments – Electric Vehicle Infrastructure		
Building Type	Electric Vehicle Charging Amendments for New Construction	Exceptions
Single and Two-Family, Townhouses, and Accessory Dwelling Units (ADUs) (with attached garages)	<ul style="list-style-type: none"> Install one Level 2 EV Ready Space and one Level 1 EV Ready Space for each dwelling unit. <ul style="list-style-type: none"> For each dwelling unit with only one parking space, install a Level 2 Ready Space 	<ul style="list-style-type: none"> Where there is no commercial power supply. ADUs and Junior ADUs (JADUs) without additional parking facilities, unless the electrical panel is upgraded or a new panel is installed, in which case only the electrical capacity requirements apply. Spaces accessible only by automated mechanical car parking systems.
Multifamily Dwellings**	<ul style="list-style-type: none"> For buildings with less than or equal to 20 units: <ul style="list-style-type: none"> 30% of parking spaces must be EV charging spaces capable of supporting future Level 2 EVSE 25% of the parking spaces shall be equipped with low power Level 2 EV charging receptacle 10% of the parking spaces shall be equipped with Level 2 Electric Vehicle Charging Station For buildings with more than 20 units: <ul style="list-style-type: none"> 30% of parking spaces must be EV charging spaces capable of supporting future Level 2 EVSE 25% of the parking spaces shall be equipped with low power Level 2 EV charging receptacle 10% of the parking spaces shall be equipped with Level 2 Electric Vehicle Charging Station 	<ul style="list-style-type: none"> Above exceptions apply. For project with planning entitlements approved by the City prior to the effective date of this ordinance, refer to 2022 California Energy Code. Multifamily Affordable Housing: <ul style="list-style-type: none"> Install at least one Level 2 EV Ready Space in 10% of units with space(s). Install at least one Level 2 EV Ready Space. Areas of parking facilities served by parking lifts
Non-residential Buildings	<ul style="list-style-type: none"> Construction for warehouses, grocery stores and retail stores with planned off-street loading spaces shall also comply with Section 5.106.5.4.1 	<ul style="list-style-type: none"> Where there is no commercial power supply. Spaces accessible only by automated mechanical car parking systems. Where there is evidence suitable to the local enforcement agency substantiating that additional local



City of San Bruno Reach Codes Summary Tables

		utility infrastructure design requirements, directly related to the implementation of Section 5.106.5.3, may adversely impact the construction cost of the project
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****Note for Multifamily Dwellings:**

The City may consider allowing exceptions, on a case by case basis, if a building permit applicant provides documentation detailing that the increased cost of utility service or on-site transformer capacity would be greater than \$4,500 among parking spaces with Level 2 EV Ready Spaces and Level 1 EV Ready Spaces. If costs are found to exceed this level, the applicant would provide EV infrastructure up to a level that would not exceed this cost for utility service or on-site transformer capacity.



Staff Recommended Reach Codes Exemptions

ATTACHMENT 3

Staff Recommended Exemptions		
Exemption	Definition & Notes	Cities Adopted
1. Planning Entitlement	All-Electric Building requirements shall not apply to development projects for which an application for a City development planning entitlement has been deemed approved no later than the effective date of this Ordinance, provided that such developments shall comply with any predecessor ordinance, resolution, or policy in effect on the date the application for the development was deemed complete.	Berkeley, Los Gatos, Milpitas, Palo Alto, Redwood City, San Jose
2. Non-Residential Building containing a commercial kitchen	Non-Residential Building containing a commercial kitchen may contain non-electric cooking appliances.	Brisbane, Burlingame, Campbell, Cupertino, Daly City, Hayward, Los Gatos, Menlo Park, Millbrae, Mountain View, Pacifica, Palo Alto, Redwood City, San Jose, San Mateo
3. Junior Accessory Dwelling Units (JADUs)	Junior Accessory Dwelling Units (JADUs) shall be exempt from the all-electric building provisions of this section.	Campbell, Cupertino, Daly City, Hayward, Pacifica, Palo Alto, Redwood City
4. Office of Statewide Health Planning and Development (OSHPD) 1 Hospital Standards or OSHPD 3 Clinic Standards	Non-Residential Buildings that will be constructed per standards stipulated by the Office of Statewide Health Planning and Development (OSHPD) 1 Hospital Standards or OSHPD 3 Clinic Standards. This includes any construction that may contain non-electric space-conditioning, water-heating systems, and process load systems.	Burlingame, Campbell, Daly City, Los Gatos, Millbrae, Palo Alto, Redwood City, San Jose, San Mateo



Staff Recommended Reach Codes Exemptions

5. Affordable Housing	All-Electric building requirements shall not apply to new residential structures that designate 100% of the dwelling units to be affordable, excluding any onsite manager unit(s), for persons earning 50% or less of the Area Median Income (AMI), as evidenced by instruments recorded against the property that restrict the units as affordable for a period of at least 55 years.	Daly City, Redwood City, San Jose
6. Technical Infeasibility	Technical Infeasibility exemption in the Energy Code amendments for unusual circumstances where an applicant can show that due to exceptional characteristics of the structure, property, or business involved, a literal enforcement of the code will result in practical infeasibility. If an applicant for a covered project believes that circumstances exist that make it infeasible to meet the requirements of this chapter, the applicant may request an exemption. In applying for an exemption, the burden is on the applicant to show infeasibility. Whenever there are practical difficulties involved in carrying out provisions of the technical codes, the building official may grant modifications for individual cases. The design professional shall submit findings to the building official demonstrating a special and unique reason makes the strict letter of the technical code impractical, the modification is in conformity with the intent and purpose of the technical code, and that such modification does not lessen health, life safety and fire safety requirements or any degree of structural integrity. The details of actions granting modifications shall be recorded and entered in the files of the building division.	Berkeley, Burlingame, Cupertino, Daly City, Hayward, Los Gatos, Morgan Hill, Redwood City



City Council Agenda Item Staff Report

CITY OF SAN BRUNO

DATE: October 11, 2022

TO: Honorable Mayor and Members of the City Council

FROM: Jovan D. Grogan, City Manager

PREPARED BY: Darcy Smith, Assistant City Manager

SUBJECT: Development Town Hall Update

BACKGROUND: At the City Council meeting on September 11, 2022, the City Council considered an agenda item placed on the City Council agenda to discuss directing staff to schedule an in person townhall style meeting in October of 2022 with a focus on development projects, including the timeline for the Recreation and Aquatics Center, for the San Bruno Community. At the September 11th meeting, the City Council directed staff to evaluate the hosting of a Development Town Hall. The purpose of this Town Hall would be to share information with the public about the current status of major private development projects in the city.

DISCUSSION: The City of San Bruno has approved a number of private development projects in the City including residential, commercial, and mixed-use projects over the past few years. These major projects include the following, as shown in Attachment 1:

- 1178 El Camino Real. Temporary Car Dealership.
- Glenview Terrace: 29 Single family dwelling units.
- 500 Sylvan Avenue. Nine multi-family housing units.
- Mills Park Center. Mixed-use project with 427 multi-family housing units and 7,947 square foot commercial space.
- 300 El Camino Real. Renovation and conversion of an existing 8,758 square feet retail space into a private preschool operated by the Stratford School.
- 160 El Camino Real. Hotel with 28 guestrooms.
- 271 El Camino Real Residential Project. 23 multi family dwelling units.
- 820 El Camino Real. Conversion of an existing duplex into a triplex.
- 1400 to 1450 Bayhill Drive. Development of two office buildings estimated at 287,000 square feet with a 5-level subterranean parking garage.
- 1300 Bayhill Drive and 1350 Grundy Lane. Development of two office buildings estimated at 440,000 square feet with associated parking and other site and street improvements.

These projects are in various stages of activity. Many projects have been approved by the City Planning Commission and/or City Council but building permits have not been submitted for review. Construction has commenced on YouTube office construction. The City provides project status updates about these projects on the City Planning Division website.

The Development Town Hall is proposed as an in-person event at the Senior Center. At the Town Hall, the City Planning Division staff will provide a presentation that would include

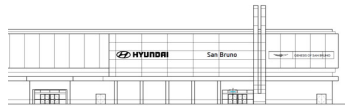




information about each private development project that has been approved by the City. The staff presentation would serve to educate the community about each development project and provide time for questions and answers. The City currently has a vacancy in the position of Community and Economic Development Director. Given this Director oversees these major development projects, staff recommends this Town Hall be held once this position is filled. Staff will also need adequate time to plan for this in-person event, and provide adequate notice of the event to the community. Therefore, staff recommends the Development Town Hall be scheduled for January or February 2023.



FISCAL IMPACT: There is no fiscal impact from the discussion of the Development Town Hall. There are sufficient funds appropriated in the current Planning Division operational budget to hold the Town Hall.



ENVIRONMENTAL IMPACT: The discussion of a Development Town Hall does not have the potential for creation of a significant environmental impact pursuant to the California Environmental Quality Act (CEQA), and as such are exempt from further environmental consideration per CEQA Guidelines Section 15061(b)(3).

RECOMMENDATION: That the City Council receive this informational report on a future Development Town Hall and address any questions or comments to staff.

ATTACHMENTS: 1. Summary of Major Development Projects

Approved Planning Applications				
Rendering	Project/Location	Proposed Land Use	Project Description	Development Status
	1178 El Camino Real	Temporary Car Dealership	Use of former Sears building as temporary Hyundai and Genesis dealership	PD Amendment and Planned Development Permit approved by the City Council on July 12, 2022. Occupancy expected this fall.
	Glenview Terrace Glenview Drive and San Bruno Avenue	Residential - Single-Family	The project consists of 29 for-sale single family dwelling units including 4 affordable units.	Project was approved by the City Council in June 2022.
	500 Sylvan Ave.	Residential –Multi-Family	The project is a three-story multi-family residential development includes nine rental units with an at-grade parking garage. The project includes a mix of one studio, two one-bedroom and six two-bedroom units.	The project was approved by the City Council on June 11, 2019. Demolition and building permits for the project were reviewed by all associated departments. However, the associated permits have not been issued. The project entitlements were extended to January 2023 pursuant to AB 1561.
	Mills Park Center 601 – 799 El Camino Real	Mixed Use Residential – Multi-Family / Commercial	The project includes 427 dwelling units, 7,947 sq. ft. of commercial space, 669 parking spaces, and 65 units designated for very-low, low-, and moderate-income households. See here for more details.	City Council approved the project on June 25, 2020. Development Agreement extension request made to extend project approvals to November 2024.
	Stratford School El Camino Real	300 Private Preschool	The project consists of the renovation and conversion of the existing 8,758 s.f. Salvation Army retail space into a private preschool operated by the Stratford School. The preschool will provide education for 144 children ages 3 and 4 years old. The front parking lot would be converted into a 3,600 sf playground and the rear parking lot would be upgraded and have 15 parking spaces. The overall site is 21,625 sf or .50 acres.	Approved by the Architectural Review Committee in June of 2022. Building permit submittal is pending.

	271 El Camino Real	Residential - Multi-Family	The project consists of a three-story multi-family development with 23 dwelling units and 4 affordable units.	The Planning Commission approved the project September 2021. Building permit submittal is pending.
	820 El Camino Real	Residential Multi-Family	The project proposes to convert an existing, two-story duplex into a three-story triplex with 1 parking space. The site is 1,775 square feet.	Project was approved by the Architectural Review Committee. Building permit submittal pending.

Under Construction				
Rendering	Location	Proposed Land Use	Project Description	Development Status
	1400 – 1450 Bayhill Drive	Office	Development of two multi-level office buildings on properties formerly known as 901 Cherry Phase 2. Total office area in two buildings is estimated at 287,000 sq.ft. with a 5-level subterranean parking garage for 865 parking spaces. The project also proposes to install landscape improvements and a Central Utility Plan.	Excavation, shoring activities, and vertical construction have commenced. Building permits for interior tenant improvements have been submitted and are under review.
	251 City Park Way. Located within San Bruno City Park	Recreation and Aquatic Center	The project includes demolition of the existing Veteran’s Memorial Building and San Bruno Park Pool to construct a new two-story, approximately 49,360 square foot San Bruno Recreation and Aquatic Center. Facility will include a community lounge, lobby, gymnasium, indoor pool, walking track, group exercise room, fitness room, community hall, classrooms, conference room, and City staff offices. An outdoor pool may be proposed for a future phase pending the availability of additional funding. The project also includes reconfiguration of the existing parking lot adjacent to the existing Veterans Memorial building and realignment of City Park Way to create a designated parking lot with 71 parking spaces. Realignment and naturalization of a portion of the water channel running through the park is also proposed to accommodate the parking lot reconfiguration and to improve the safety and function of the park for vehicles and pedestrians.	The project was reviewed and approved by the Planning Commission in May 2020. See here for more details. Ground breaking activities on August 27, 2021. Project is currently under construction.

